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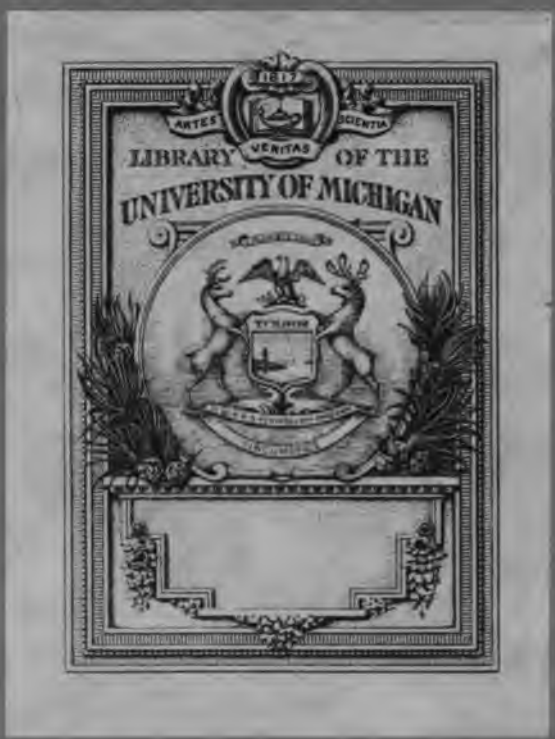
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ACTS

OF

THE LEGISLATURE

OF THE

STATE OF MICHIGAN,

PASSED AT THE ANNUAL SESSION OF 1839:

WITH AN

APPENDIX,

CONTAINING THE TREASURER'S ANNUAL REPORT: ALSO, FORMS FOR ELECTION RETURNS, AND OF THE ANNUAL REPORT REQUIRED TO BE MADE TO THE SECRETARY OF STATE BY SUPERINTENDENTS OF THE POOR.

DETROIT:
JOHN S. BAGG, STATE PRINTER.

1839.

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LAWS OF MICHIGAN—1839.

LAWS OF MICHIGAN.

[No. 1.]

An Act making appropriation for the improvement of the Salt Springs.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the state geologist be and is hereby directed to continue the improvements already commenced at the state salt springs, under the provisions of the existing law. Geologist to continue improvements at salt springs.

Sec. 2. A sum not exceeding fifteen thousand dollars is hereby appropriated for defraying the expenses which may be incurred under this act, to be paid out of the internal improvement fund, from any moneys not otherwise appropriated, in three equal instalments, on the first days of February, May and September next. Fifteen thousand dollars appropriated.

Sec. 3. The state geologist shall make a report at the next annual session of the legislature, on the first Monday of January next, setting forth the expenditures of the money herein appropriated, as well as of the progress and results of the work herein authorized, and exhibit vouchers of the same. To make report to next legislature.

Approved, January 28, 1839.

[No. 2.]

An Act to legalize the official acts of the assessors of the township of Antrim.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, that the official acts of the assessors of the township of Antrim, in the county of Shiawassee,

elected in April, A. D. 1838, be as valid in law as if the said assessors had taken the constitutional oath required by the laws of this state, before entering upon the duties of their office.

Approved January 29, 1839.

[No. 3.]

AN ACT authorizing the county commissioners of the county of Wayne to dispose of their present county poor-house, and for other purposes.

Commissioners may sell poor-house.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the county commissioners of Wayne county, or their successors in office, be and they are hereby authorized and empowered to sell at public auction, or at private sale, the present county poor-house of said county, together with all the lands and appurtenances thereunto belonging, or appertaining thereto, at such time, and on such terms, as in their opinion the interests of the county may require: Provided, nevertheless, That the said county commissioners previous to any such sale, shall cause to be published in all the newspapers of the city of Detroit, at least six successive weeks, a notice purporting that said premises are for sale, and therein either appoint the day and place of sale, (if sold at public auction,) or else therein inviting proposals for the purchase thereof at private sale, or both, in their discretion; and said county commissioners or any person by them duly authorized, are hereby authorized, if the said premises be sold at auction or otherwise, to superintend and conduct such sale, free of all tax, duty or expense.

To execute deed to purchaser.

Sec. 2. That the said commissioners are hereby authorized, in the name, and for the said county of Wayne, to execute a deed or other instrument of conveyance of the said premises, to the purchaser or purchasers thereof, which conveyance so executed by said commissioners, shall be construed to convey all the right, title and interest of the said county of Wayne, in and to the said premises, to the purchaser or purchasers thereof effectually.

Reinvest proceeds in purchase of lands, &c.

Sec. 3. That the commissioners be and they are hereby authorized and empowered to reinvest the proceeds of the said poor-house and lands, when a sale shall have been effected, and the

funds are made available, in the purchase of a suitable tract of land, not exceeding three hundred and twenty acres, as nearly central in said county as a proper regard to soil, health, cost convenience, and general economy will permit, and to erect, thereon such suitable buildings for the accommodation of the poor and their keepers, as they may deem necessary.

Borrow money on credit of county to erect buildings.

Sec. 4. That for the purpose of enabling the commissioners to carry into effect the provisions of the third section of this act, to the best advantage to the interests of said county, they are hereby authorized and empowered to borrow upon the faith and credit of said county of Wayne, any sum not exceeding seven thousand dollars, at a rate of interest not exceeding seven per cent per annum. That the residue of this fund, as well as that arising from the sale of the present poor-house and appurtenances, if any remains after the purchase of the proposed land, and erecting the necessary buildings thereon, shall be expended according to the provisions contained in part first, title nine, and chapter two of the revised statutes of this state.

Also, a sum not exceeding eight thousand dollars for other purposes.

Sec. 5. That the said commissioners of Wayne county aforesaid, be and they are hereby authorized, if in their opinion the public interest requires it, to borrow upon the faith and credit of the said county of Wayne, a further sum of not exceeding eight thousand dollars, for the purpose of defraying any other necessary expenses of said county, at an interest not exceeding the rate aforesaid; which said sums shall be deposited in the treasury of said county, and drawn out according to law.

Sec. 6. This act shall be in force from and after its passage.

Approved January 30, 1839.

[No. 4.]

An Act to extend the time for receiving the annual reports from certain school districts.

Time extended to first Monday in May, and to receive proportion of school moneys.

Section 1. *Be it enacted by the Senate and House of Representatives [of the State of Michigan,]* That in all the school districts of this state, where the number of scholars has not been returned to the superintendent of public instruction according to law, it shall be lawful for the directors to make such returns by the first Monday of May next, specifying what number of scholars were in

their respective districts, on the first Monday of October last, between the ages of five and seventeen years, and file the same with the township clerk; and the said clerk shall forthwith transmit a certified copy of the same to the superintendent of public instruction, post paid, whose duty it shall be to apportion among said districts the interest which was due on the seventh day of January, eighteen hundred and thirty-eight, for school moneys, and which shall be paid by the twentieth day of May next, not exceeding sixty-four cents for each scholar so returned.

When to be paid.

Sec. 2. The school moneys apportioned in pursuance of the provisions of this act, shall be payable on the first Monday of June next, in like manner as other school moneys, and it shall be the duty of the auditor general and all other officers on whom any duty is imposed by the revised statutes, relative to the apportionment and distribution of school moneys, to proceed in all respects, (except as to the period of time,) and under the same liabilities, as they are now required to do in relation to regular annual apportionment of school moneys.

Approved, Janaary 30, 1839.

[No. 5.]

An Act to authorize the county commissioners of Wayne county to perform certain duties therein mentioned.

Whereas, it has been ascertained that the board of supervisors of the county of Wayne have omitted to make out the tax roll and warrant of collection for the township of Dearborn, for the year eighteen hundred and thirty-eight; and whereas, no existing law authorizes the collection of said taxes; therefore,

Com'rs to make out tax roll for Dearborn.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the commissioners of the county of Wayne are hereby authorized, and it is hereby made their duty, to make out the tax roll and warrant of collection to the collector of the township of Dearborn, upon the quota of tax apportioned by the board of supervisors for county and township purposes, and the amount voted to be raised for township purposes by the electors of said township, at the last annual township meeting, and shall cause the said tax roll and warrant of collec-

tion to be delivered to the supervisor of said township, who shall proceed in all respects in the same manner, and have the same authority as if said tax roll and warrant had been made out by the board of supervisors at their last annual meeting, and as if the laws of this state in force on or before the taking effect of the revised code relating to the premises had at the time of their said last annual meeting, been in full force.

Tax to be collected as if warrant had been issued by supervisors.

Sec. 2. The collector, upon receiving the tax roll and warrant for collection, shall proceed to collect the taxes in the same manner and have the same authority as if said warrant had lawfully been issued by the board of supervisors at the usual time, and shall return the same on or before the third Monday of March next, in the usual manner; and that the collector shall give the usual bond to pay said taxes according to the provisions of this act.

Approved, January 30, 1839.

[No. 6.]

An Act regulating prison limits.

Person arrested on execution, to have benefit of prison limits of county in which he resides.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if any person being an inhabitant of this state, shall have been or shall be arrested on execution issued against his body, for any debt or damage in any civil proceeding, he shall have the benefit of the prison limits of the county in which he resides, although arrested in a different county, provided he shall give a bond to the creditor, with sufficient security, to be approved of by a judge of a court of record or two justices of the peace of the county in which such person may reside or be arrested, in double the sum due on such execution, conditioned that he will return forthwith to the county in which he resides, and not depart without the limits of said county, until legally discharged. And on his tendering a bond as aforesaid to the officer making the arrest, or to the officer in whose custody such person may be, it shall be the duty of the said officer forthwith to discharge such person from his custody. On giving such bond and being discharged as aforesaid, the said defendant shall be allowed at the rate of twenty miles per day to reach the county

of the residence, and no more, excluding the day on which he shall be discharged as aforesaid.

Sec. 2. This act shall take effect from and after its passage.

Approved, February 5, 1839.

[No. 7.]

AN ACT to provide for an increase of the number of Masters in Chancery, in the county of Wayne.

Three additional masters to be appointed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That there shall be appointed by the governor, by and with the consent of the senate, three masters in chancery in and for the county of Wayne, in addition to the number already authorized to be appointed by the revised statutes of this state.

Subject to provisions of R. S.

Sec. 2. The said masters in chancery so to be appointed, shall perform the same duties required by law to be performed by masters in chancery, and be subject to all the provisions of the revised statutes and other existing laws relative to masters in chancery for the county of Wayne, and for this state generally.

Sec. 3. This act shall take effect from and after its passage.

Approved, February 8, 1839.

[No. 8.]

AN ACT to amend "An act incorporating the village of Kalamazoo," approved April 3d, 1838.

Whereas, the act entitled "An act to incorporate the village of Kalamazoo," approved April 3d, 1838, did not provide for the calling of the first election of seven trustees of said village, in consequence of which no election was held, and also provided that the election should be held on the first Monday of May annually; therefore,

Trustees to be elected on the 1st Monday of Mar. annually.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the first election of seven trustees, as provided in section two of the act incorporating the village of Kalamazoo, approved April 3d, 1838, shall be held on the first Monday of March next, and on the first Monday of

March annually thereafter, and so much of said section two of the said act as requires the said election to be held on the first Monday in May, be and the same is hereby repealed.

Who to give notice of first election, and act as judges.

Sec. 2. The township clerk and any two justices of the peace for the township of Kalamazoo, shall have the power and are hereby required to call the first election of seven trustees, by giving the notice required in the third section of said act, and the two justices of the peace aforesaid, shall act as judges, and the township clerk aforesaid as clerk of said election, and so much of section third of the aforesaid act as is inconsistent with this act, be and the same is hereby repealed.

Approved February 8, 1839.

[No. 9.]

An Act to amend part third, title first, chapter third of the Revised Statutes, and for other purposes.

Certain terms of circuit court in Washtenaw, Monroe, Oakland and Wayne, abolished.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of section eleven, of chapter third, part third, title first, or of any existing law, as required that a circuit court shall be held in the counties of Washtenaw and Monroe on the first Tuesdays of February, and in the county of Oakland on the second Tuesday of March, and in the county of Wayne on the fourth Tuesday of August, in each year, be and the same is hereby repealed.

All process, &c. continued to next succeeding term.

Sec. 2. All causes, writs, process, execution and other matters whatsoever pending in, or issued, or to be issued before the first Tuesday of February next, or returnable into the said circuit courts for said counties on any day in said February or March terms, shall be continued and proceeded in, and be returned into said circuit courts of said counties, at the next following regular terms of said courts, as fully and effectually as though said causes, writs, process, and other matters had been regularly continued to, and made returnable at the said terms of said courts respectively: *Provided, nevertheless*, That this act shall take effect from and after its passage.

Approved, February 8, 1839.

[No. 10.]

An Act to authorize the exemption of certain libr ries and other articles from execution.

Libraries to the value of $100 exempt from execution.

Section 1. *Be it enacted by the Senate and House of Represe tatives of the State of Michigan*, That in addition to goods a chattels now exempted by law from execution or sale for a debt, damages, fine, or amercement, each person shall be entitl to hold exempt as aforesaid, a library of books, (including ma prints, philosophical apparatus or cabinet,) not exceeding in valu in the whole, the sum of one hundred dollars, and all family pc traits: *Provided always*, That this act shall not be so constru as to exempt from execution and sale duplicates of the sar books, maps and prints, as aforesaid.

Approved February 14, 1839.

[No. 11.]

An Act to provide for the payment of the expenses the Regents of the University, in certain cases.

Regents of the university to be paid travelling and other expenses.

Section 1. *Be it enacted by the Senate and House of Represent tives of the State of Michigan*, That the regents of the universi of said state shall be paid, out of the interest of the universi fund, all travelling and other necessary expenses incurred by th attendance at any meeting of their board, until the universi buildings at Ann Arbor shall have been completed; the auditc of said board shall audit and allow said expenses, the same other claims are audited and allowed, and take the same vouc ers of payment as in other cases: *Provided*, That said pay sh not exceed two dollars for every twenty miles travel to and fr the place of holding their meetings, and two dollars for each d actually spent at the sessions of said board.

Sec. 2. This act shall be in force for three years from a after its passage, unless sooner repealed.

Approved February 14, 1839.

[No. 12.]

An Act to change the name of John F. Kerchofer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act, it shall be lawful for John F. Kerchofer to take and assume the name of John F. Kirk, and by that name he shall be hereafter known and designated.

Approved February 21, 1839.

[No. 13.]

An Act relative to the records of the court of probate for the county of Cass.

Whereas, it has been represented that the records of the proceedings of the court of probate for the county of Cass, from the organization of the said county until the first day of April, in the year of our Lord one thousand eight hundred and thirty-five, were kept upon sheets or files of paper, and are still preserved in that form in the office of said court, and are liable for that cause to be lost or destroyed; therefore,

Judge of probate to procure books and transcribe certain records.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for the judge of probate of the said county, and he is hereby authorized and required to procure at the expense of said county, a suitable book or books, and to transcribe or cause to be transcribed therein, at the expense of said county, all the records of the proceedings of the said court within the periods above mentioned from the files now in the office of said court.

Compare the same with the originals, &c.

Sec. 2. The said judge of probate of said county shall carefully examine the said transcript, and compare the same with the original files aforesaid, and shall certify to the correctness of said transcript under his hand and seal of office, and attach said certificate to said transcript; and for his services herein he shall receive the same fees as is allowed by law for recording the proceedings of courts of probate.

Due credit to be given to transcript.

Sec. 3. Due credit shall be given to the said transcript in all courts of law and equity in this state, as if the said records had been originally transcribed therein from time to time, according to law.

Approved February 27, 1839.

[No. 14.]

AN ACT to amend an act entitled "An Act to incorporate the city of Monroe," approved March 22d, 1837.

Common council to have jurisdiction over all grounds purchased for hospitals, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the common council shall have power to exercise jurisdiction over all grounds which have been or may hereafter be purchased out of, and within one mile of the limits of said city for cemeteries, hospitals, or workhouses, and to have the same control and the same power to enforce the ordinances and by-laws, and the powers of police over and respecting them, as though they were actually within the limits of said city, as defined by the charter.

No ward to elect more than one alderman.

Sec. 2. That no ward in said city shall elect more than one alderman.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved March 2, 1839.

[No. 15.]

AN ACT to authorize the removal of certain convicts to the state prison.

Sheriff of Wayne to convey certain convicts to state prison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the sheriff of the county of Wayne be, and he is hereby authorized and empowered to convey to the state prison at Jackson, all the convicts now confined in the jail of said county, under sentence of imprisonment in the state prison.

Commissioner to receive them,

Sec. 2. That the acting commissioner for building the prison be, and he is hereby required to receive into his custody and safely keep said convicts, and to require them to labor on the public works, and that he provide for their support until further provision be made by law.

And pay expense of transportation.

Sec. 3. That the acting commissioner pay to the said sheriff a reasonable compensation for the expense of transportation of such convicts; and that the same be audited by the auditor general, and paid to said keeper out of the state treasury on his warrant.

Sec. 4. That this act shall take effect from the passage thereof.

Approved March 2, 1839.

[No. 16.]

AN ACT to extend the time of payment of the university and school moneys, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That in all cases where the interest due on moneys for which university and school lands have been sold, shall be paid by the first day of May next, it shall be lawful for the superintendent of public instruction to accept the same, and extend all further payments to the first day of December next, at which time, on the payment of all interest then due, and enough of the principal to make twenty per cent with what shall have been paid theretofore, the said superintendent may suspend further payments one year from that time, at which time he may receive the interest and five per cent of the principal, making in all twenty-five per cent of the principal to be paid by the first day of December, one thousand eight hundred and forty; and said superintendent at the request of any purchaser or purchasers, is authorized to receive either five or ten per cent of the principal annually after the payment of twenty-five per cent of the principal, or may thereupon postpone further payments of the principal, for a period not exceeding ten years, unless otherwise directed by the legislature: *Provided*, the extensions or postponements of payments herein authorized can, in his opinion, be granted without prejudice to said funds.

In certain cases, time of payment to be extended.

Sec. 2. Whenever the superintendent of public instruction has sold or shall hereafter sell university and school lands, and has given or shall give a certificate or certificates of sale, it shall be lawful for him to transfer said lands by a new certificate in the following cases: first, to a bona fide purchaser of the first purchaser; secondly, when two or more persons hold a certificate of sale together, and one or more of them fail to pay, the certificate may be transferred to such of said purchasers as will make the required payments.

When new certificates for land sold to be given.

Sec. 3. In cases of forfeiture of contracts for lands, the superintendent shall not sell the same at a price less than the original bid, and on the terms now prescribed by law.

Forfeited lands not to be sold at less than the original bid.

Approved March 4, 1839.

[No. 17.]

An Act relative to school books and books for school district libraries.

Superintendent to make out and publish catalogue of school-books, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the superintendent of public instruction is hereby authorized, and it shall be his duty, to make out and cause to be published on or before the first day of April next, in the Journal of Education and in the state paper, a catalogue of school books, to be recommended by him to be used in the several classes in the primary schools throughout the state, and a list of books recommended as suitable for school district libraries; and it shall be the further duty of the superintendent, in his next annual communication to the legislature, to report what provision, in his opinion, could or ought to be made by law to insure a regular and sufficient supply of such books to every school district, on the most economical terms, or what other provision, if any, should, in his opinion, be made to insure uniformity, as near as may be, in the books to be used in primary schools.

Approved March 4, 1839.

[No. 18.]

An Act to ascertain the value of a certain school section in the county of Branch.

Examination of iron ore on the section, to be made by state geologist.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an examination of the iron ore on section sixteen, in township five south and range seven west, in the county of Branch, shall be made under the direction of the state geologist, in order to ascertain the value of said school section, and the superintendent of public instruction is hereby authorized to pay the expenses of such examination, not exceeding two hundred and fifty dollars, out of the school fund, provided the citizens interested in said examination will pay a like sum, to be expended in making like examinations, on said section, or on lands adjacent thereto.

Expenses to be added to minimum price of land.

Sec. 2. The amount of money expended out of the school fund in pursuance of this act, shall be added to the minimum price of said section before any sale shall be made thereof.

Approved March 4, 1839.

[No. 19.]

An Act requiring certain returns to be made from incorporated academies and other literary institutions.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That it shall be the duty of the president of the board of trustees of every organized academy or literary or collegiate institution, heretofore incorporated, or hereafter to be incorporated, to cause to be made out by the principal instructor or other proper officer, and forwarded by mail or otherwise, to the office of the superintendent of public instruction, between the first and fifteenth days of December in each year, a report setting forth the amount and estimated value of real estate owned by the corporation, the amount of other funds and endowments, and the yearly income from all sources, the number of instructors, the number of students in the different classes, the studies pursued and the books used, the course of instruction, the terms of tuition, and such other matters as may be specially requested by said superintendent, or as may be deemed proper by the president or principal of such academies or institutes, to enable the superintendent of public instruction to lay before the legislature a fair and full exhibit of the affairs and condition of said institutions.

Return to be made to superintendent; by whom to be made; its contents.

Approved March 4, 1839.

[No. 20.]

An Act to organize the county of Clinton.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the county of Clintonbe, and the same is hereby organized.

County organized.

Sec. 2. All writs, proceedings and other matters now pending before any court or before any justice of the peace of the county to which the said county of Clinton is now attached for judicial purposes, shall be prosecuted to final judgment and execution; and all taxes heretofore levied, shall be collected and paid in the same manner as though this act had not passed.

Not to interfere with suits pending and taxes levied.

Court to be held at county seat.

Sec. 3. The circuit court for the county of Clinton, shall be held at the county seat, in such place as the county commissioners shall provide.

Election of county officers.

Sec. 4. There shall be elected in the county of Clinton, on the first Monday of April next, all the several county officers to which by law the said county is entitled, and whose term of office shall severally expire at the time the same would have expired had they been elected on the first Monday and Tuesday of November last; said election shall be held in the several townships at the same place where by law such annual township meeting is to be held, and shall be conducted in all respects according to the provisions of chapter third of the revised statutes as near as may be.

Who to act as inspectors in new townships.

Sec. 5. In those newly organized townships where the first annual township meeting shall be held on the first Monday of April next, the same persons who are or may be authorized by law to act as inspectors of said township election, shall act as inspectors of the election of county officers.

Notice of election.

Sec. 6. The township clerks in the several townships in said county, are hereby required to cause a copy of this act to be posted up at the place of holding the annual township meeting in their respective townships, at least five days previous to the time of holding said election, and no other notice of said election shall be required, any law to the contrary notwithstanding.

Board of county canvassers.

Sec. 7. The board of county canvassers under this act, shall consist of one of the presiding inspectors of said election from each township, and said board shall meet on the Thursday next after the said election at the county seat, at one o'clock of said day, and organize by the appointment of one of their number chairman and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers, as in ordinary cases of elections for county officers.

Act take effect.

Sec. 8. This act shall take effect and be in force from and after its passage.

Approved March 12, 1839.

[No. 21.]

An Act to regulate township meetings in newly organized townships.

First township meeting to be holden on 1st Monday in April.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the first township meeting

after the organization of any township, shall be held on the first Monday in April after its organization, and at such meeting there shall be an election for such officers as are by law to be elected at the township meetings in the several townships.

Moderator and inspectors to be chosen.

Sec. 2. At all such meetings the qualified electors present, between the hours of nine and ten in the forenoon, shall choose one of their number as moderator and four others of their number as inspectors, who, together with the moderator, after having qualified by taking the oaths prescribed to be taken by inspectors of general elections, shall preside over and conduct such elections in all respects agreeably to part first, title four, chapter one of the revised statutes, as near as may be.

If not held on that day, three voters may call a meeting.

Sec. 3. If the inhabitants of any newly organized township shall neglect or refuse to hold their township meeting on the day specified in the first section of this act, any three qualified voters in said town may call a meeting of the electors of said township, for such township election, at any time thereafter, by posting up notices for the same in not less than three public places in such township, at least ten days previous to the time for holding such township meeting.

Officers how sworn.

Sec. 4. The moderator shall administer the oath to the inspectors, and either of the inspectors, after having been so qualified, shall administer the like oath to the moderator.

Act take effect.

Sec. 5. This act shall take effect on and after the first day of April next.

Approved March 12, 1839.

[No. 22.]

An Act to organize the county of Barry.

County organized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county of Barry be, and the same is hereby organized, and the inhabitants thereof entitled to all the rights and privileges to which, by law, the inhabitants of the other counties of this state are entitled.

Not to interfere with suits pending or taxes levied.

Sec. 2. All suits, prosecutions and other matters now pending before any court or before any justice of the peace of the county to which the said county of Barry is now attached for judicial purposes, shall be prosecuted to final judgment and execution, and all the taxes heretofore levied, shall be collected in the same manner as though this act had not passed.

Sheriff to provide place for holding courts.

Sec. 3. That the sheriff of the county of Barry, under the direction of the commissioners of said county, shall provide a convenient place for holding courts in said county, at or near the county seat, until public buildings shall be erected.

Election of county officers.

Sec. 4. There shall be elected in the said county of Barry, on the first Monday of April next, all the several county officers to which, by law, the said county is entitled, and whose term of office shall severally expire at the time the same would have expired had they been elected on the first Monday and next succeeding day of November, in the year eighteen hundred and thirty-eight; and said election shall, in all respects, be conducted and held in the manner prescribed by law for holding elections for county and state officers.

Board of county canvassers.

Sec. 5. The board of canvassers in said county, under this act, shall consist of two of the presiding inspectors of said election from each township, and said board shall meet on Thursday next after said election, at the county seat in said county, at one o'clock in the afternoon of said day, and organize by the appointment of one of their number chairman, and another secretary of said board, and shall thereupon proceed to discharge all the duties of a board of county canvassers as in ordinary cases of elections for county officers.

Act take effect.

Sec. 6. This act shall take effect from and after the date of the passage thereof.

Approved March 15, 1839.

[No. 23.]

AN ACT to legalize the election of school inspectors elected for the year 1837.

Be it enacted by the Senate and House of Representatives of the State of Michigan, That the election of all such school inspectors as were elected by special township meetings for the year 1837, and that all the acts and doings of such school districts as have heretofore been organized under the authority of said inspectors, be as valid in law as if the said election had been held at the annual township meetings respectively: Provided, That said elections were held in conformity to law in all respects except as to time.

Approved March 15, 1839.

[No. 24.]

An Act to authorize the county of Lenawee to borrow a certain sum of money.

Commissioners may borrow five hundred dollars to finish court-house.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of county commissioners of the county of Lenawee, be and they are hereby authorized to borrow on the credit of the county, at an interest not exceeding seven per cent per annum, and for a term of time not more than ten years, a sum of money not exceeding five hundred dollars, for the purpose of finishing the court-house in said county, and the said sum so borrowed, shall not be applied to any other use or purpose than finishing said court-house as aforesaid.

When borrowed to be paid into the county treasury.

Sec. 2. Whenever said board of commissioners shall have obtained said sum of five hundred dollars, or any part thereof, for the purpose above specified, the same shall be paid into the treasury of the county, to be drawn by the said board for the purpose above specified, in the same manner and under the same restrictions as is provided for in case of other moneys in the treasury, by the laws now in force.

Interest, how to be paid

Sec. 3. The said board of commissioners are hereby authorized, and it is made their duty, to provide for the payment of such money, whether principal or interest, that may accrue under the aforesaid loan, in the same manner as is provided for in case of other contingent expenses of the county.

Act take effect.

Sec. 4. This act shall take effect from and after its passage.

Approved March 20, 1839.

[No. 25.]

An Act to organize and divide certain townships, and for other purposes.

Middlebury.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of the county of Shiawassee, designated in the United States survey as townships number seven and eight north, of range number one east, be and the same is hereby set off and organized into a separate township, by the name of Middlebury, and the first township meeting therein shall be held at the house of Moses Clark, jr. in said township.

Norton. Sec. 2. All that part of township number eight north, of ranges number fifteen and sixteen west, within the county of Ottawa, which lies north of the centre of the channel of Grand river, and the south half of township nine north, of ranges fifteen and sixteen west, be and the same is hereby set off and organized into a separate township, by the name of Norton, and the first township meeting shall be held at the house of Amos Norton, in said township.

Pinckney. Sec. 3. All that part of Calhoun county designated in the United States survey as town number one south, of range number four west, be and the same is hereby set off and organized into a separate township, by the name of Pinckney, and the first township meeting shall be held at the house of B. Burner in said township.

Bunker Hill. Sec. 4. All that part of the county of Ingham designated in the United States survey as town number one north, of range number one east, be and the same is hereby set off and organized into a separate township, by the name of Bunker Hill, and the first township meeting shall be held at the house of David Fuller in said township.

White Oak. Sec. 5. All that part of the county of Ingham designated in United States survey as town two north, of range number two east, be and the same is hereby set off and organized into a separate township, by the name of White Oak, and the first township meeting shall be held at the house of Daniel Dutcher in said township.

Camden. Sec. 6. All that part of the county of Hillsdale designated in the United States survey as town number eight and fractional town number nine south, of range number four west, be and the same is hereby set off and organized into a separate township, by the name of Camden, and the first township meeting shall be held at the house of Samuel S. Curtis in said township.

Paris. Sec. 7. All that part of the county of Kent designated by the United States survey as townships number five and six north, of range number eleven west, be and the same is hereby set off and organized into a separate township, by the name of Paris, and the first township meeting shall be held at the house of Hiram H. Allen, in said township.

Bingham. Sec. 8. All that part of the county of Clinton designated by the United States survey as township number eight north, of, ranges

number one and two west, and town number seven north, of ranges number one and two west, be and the same is hereby set off and organized into a township, by the name of Bingham, and the first township meeting shall be held at the house of Joseph Sevor in said township.

Westphalia.

Sec. 9. All that part of the county of Clinton designated by the United States survey as town number six north, of range number four west, be and the same is hereby set off and organized into a a separate township, by the name of Westphalia, and that the first township [meeting] shall be held at the house of Anthony Cordus.

Part of township of Owasso attached to Vernon.

Sec. 10. All that part of the county of Shiawassee designated by the United States survey as town number seven north, of range number four east, being a part of the township of Owasso, be and the same is hereby set off and attached to the township of Vernon in said county.

Chester.

Sec. 11. All that portion of the county of Eaton designated in the United States survey as townships number three and four north, of range five west, be and the same is hereby set off and organized into a separate township, by the name of Chester, and the first township meeting shall be held at the house of Harvey Williams in said township.

Walton.

Sec. 12. That all that portion of the county of Eaton designated in the United States survey as township number one north, of range five west, be and the same is hereby set off and organized into a separate township, by the name of Walton, and the first township meeting shall be held at the house of Joseph Bosworth in said township.

Bedford.

Sec. 13. That all that portion of the county of Calhoun designated in the United States survey as township number one south, of range number eight west, be and the same is hereby set off and organized into a separate township by the name of Bedford, and the first township meeting therein shall be held at the house of Josiah Gilbert in said township.

Ross.

Sec. 14. That all that portion of the county of Kalamazoo designated in the United States survey as township one south, of range nine west, be and the same is hereby set off and organized into a separate township, by the name of Ross, and the first township meeting therein shall be held at the house of Frisdale D. Pierce in said township.

Carmel.

Sec. 15. That all that portion of the county of Eaton desig in the United States survey as township two north, of rang west, be and the same is hereby set off and organized into a rate township, by the name of Carmel, and that the first tow meeting shall be held at the office of Benjamin Knights in township.

Act take effect.

Sec. 16. This act shall take effect and be in force on and the first day of April next.

Approved March 21, 1839.

[No. 26.]

An Act to amend title second of the third part o revised statues.

In actions against joint debtors, where process is not served on all, judgment to be entered against all, but execution not to be levied on person or property of defendant not served.

Section 1. *Be it enacted by the Senate and House of Rep tatives of the State of Michigan,* In actions against two or persons jointly indebted upon any joint obligation, contra liability, if the process issued against all the defendants shall been duly served upon either of them, the defendant so served answer to the plaintiff, and in such case, the judgment, if r ed in favor of the plaintiff, shall be against all the defendant execution shall issue in the same manner as if all had been s with process, but it shall not be lawful to serve any such e tion upon the person, nor shall it be levied on the sole pr of any defendant who was not served with the process by the action was commenced, unless such defendant shall be a party to such judgment by writ of scire facias, as herei directed. But such execution may be collected of the pr of any such defendant, owned by him as a partner with the defendant or defendants taken in the co-partnership upon a against whom such judgment shall have been rendered.

Clerk to endorse such defendants' name on execution.

Sec. 2. Upon every execution issued upon such judgmer clerk issuing the same shall endorse thereon the names of s the defendants as were not served with process by whi action was commenced, and shall direct such execution served as provided in the preceding section.

The same proceedings to be had, in like cases, in suits commenced by declaration.

Sec. 3. Where an action against two or more persons up joint obligation, contract or liability, shall be commenced filing and service of a declaration, and it shall appear up

proof by the return of a proper officer, or by the affidavit of a disinterested and credible person, that the same has been served personally upon either of such persons, the defendant or defendants so served, shall answer to the plaintiff; and the judgment in such action, if rendered in favor of the plaintiff, shall be against all the defendants in the same manner as if all had been served with such declaration; which judgment shall have the like effect, and execution thereon shall be issued as if process against such defendants had been served on all of them in the manner provided in the first section of this act.

Defendant may be made party to judgment by scire facias.

Sec. 4. Upon all such judgments, which may hereafter be obtained against joint debtors, where part only of the defendants named therein shall have been served with process, or with declaration when the action shall have been commenced by filing and service of the same, the plaintiff therein may, by writ of scire facias, directed to the sheriff of the county where such defendant shall reside, and returnable to the office of the clerk of the county from which such writ issued, cause the defendants on whom such process or declaration had not been served, to be parties to the said judgment, unless such defendants show good and sufficient cause why judgment should not be entered against them. And the defendants made parties to the judgment as aforesaid, shall be subject to the same final process as though they had been duly served with mesne process or declaration, and thereupon appear and make defence, or suffer default.

Process may be issued against joint debtors residing in different counties.

Sec. 5. If two or more persons be bound jointly, or jointly and severally, in any bond, writing or obligation, or other contract, and the persons so bound shall reside or be in different counties, it shall be lawful for the clerk of the court, where suit is brought against the obligors or promisors at the request of the plaintiff, to issue process against the obligor, defendant, or promisors residing in another county, directed to the sheriff or other officer of the county where he may reside, returnable to the office of the county clerk from whence it issued.

Executions may be directed to sheriff of any county.

Sec. 6. In all cases where a party may or shall have recovered judgment, in this state, either at law or in chancery, and who may be authorized thereon to sue out execution or other final process, it shall be competent to take out the same, directed to the sheriff of any county in this state; and all process as shall be thus sued

out, to be sent into a county other than that in which the c may be, or may have been pending, shall be executed returned by the sheriff or other proper officer of the cou except that upon the arrest of a defendant upon a capia satisfaciendum, he shall be imprisoned in the county where may reside. There shall never be more than one executior any judgment at the same time, but where the sheriff returns execution in the vacation between courts, after recording return of the sheriff, another execution may issue.

Sec. 7. This act shall take effect from and after its passa

Approved March 21, 1839.

[No. 27.]

An Act to organize certain townships, and for oth purposes.

Ossowa. Section 1. *Be it enacted by the Senate and House of Rep sentatives of the State of Michigan*, That all that part of county of Clinton, designated in the United States survey townships number five and six north, of range number one w be and the same is hereby set off and organized into a towns by the name of Ossowa, and the first township meeting the shall be held at the house of John Hunter, at Round Lake said township.

Phelpstown. Sec. 2. All that part of the county of Ingham, designated by United States survey as township number four north, of ran number one and two east, be and the same is hereby set off organized into a township, by the name of Phelpstown, and first township meeting shall be held at the house of David Ph in said township.

Alpena. Sec. 3. All that part of the county of Van Buren, designa by the United States survey as township number four south range number fifteen west, be and the same is hereby set off organized into a township, by the name of Alpena, and the township meeting shall be held at the house of Henry Cole in said township.

Oshtemo. Sec. 4. All that part of the county of Kalamazoo, designa

by the United States survey as township number two south, of range number twelve west, be and the same is hereby set off and organized into a township, by the name of Oshtemo, and the first township meeting shall be held at the house of Mr. Lake, in said township.

Sec. 5. All that part of the county of Michilimackinac, lying west of a line drawn due north from the mouth of Carp river and mouth of the straits of Michilimackinac, and north and west of Lake Michigan, be and the same is hereby set off and organized into a township by the name of St. Ignace, and the first township meeting shall be held at the house of Thomas W. Drew, in said township. St. Ignace.

Sec. 6. All that part of the county of Barry, designated by the United States survey as township number three north, of ranges number nine and ten west, be and the same is hereby set off and organized into a township, by the name of Yankee Springs, and the first township meeting shall be held at the Yankee Springs mansion-house, in said township. Yankee springs.

Sec. 7. All that part of the county of Ingham, designated by the United States survey as township number three north, of ranges number one and two east, be and the same is hereby set off and organized into a township, by the name of Brutus, and the first township meeting shall be held at the house of Ephraim Mack, in said township. Brutus.

Sec. 8. All that part of the county of Ottawa, designated by the United States survey, as townships number seven and eight north, of range fourteen west, be and the same is hereby attached to and made a part of the township of Tallmadge in said county, any law to the contrary notwithstanding. Tallmadge enlarged.

Sec. 9. All that part of the county of Ottawa, designated by the United States survey as townships number five and six north, of ranges thirteen and fourteen west, be and the same is hereby set off and organized into a township, by the name of Georgetown, and the first township meeting shall be held at the house of George Kitcham, in said township. Georgetown.

Sec. 10. All that part of the county of Oceana, designated as township number nine north, of range number ten west, be and the same is hereby set off and organized into a township by the name of Courtland, and the first township meeting shall be held at the house of Barton Johnson, in said township. Courtland.

[No. 34.]

AN ACT to amend "An act to incorporate the village of Niles, and the acts amendatory thereto."

Twenty-sixth section of act of April 5, '38, repealed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the twenty-sixth section of the act approved April fifth, eighteen hundred and thirty-eight, entitled "An act to amend an act entitled 'An act to incorporate the village of Niles, and the act or acts amendatory thereof,'" be and the same are hereby repealed.

Election held in Mar. '38, and certain acts of common council legalized.

Sec. 2. The election held by the electors of the village of Niles, on the first Monday of March, eighteen hundred and thirty-eight, for a president, recorder, treasurer and six trustees, is hereby legalized to the same effect, as though the said election had been held according to the provisions of "An act to amend an act entitled 'An act to incorporate the village of Niles, and the act or acts amendatory thereof,'" and all corporate acts done and performed by the common council, and officers of the said corporation of the village of Niles so elected on the said first Monday of March, eighteen hundred and thirty-eight, shall be deemed and taken as valid and binding: *Provided, however*, That in all other respects the said common council and officers of the said corporation shall have complied with the laws of this state and the acts of incorporation of said village: *And provided further*, That nothing herein contained shall be so construed as to take away, or impair any vested right, nor to sanction any sale of real estate by reason of any tax heretofore by said corporate authorities assessed, provided for or directed to be levied, that may have been made before the passage of this law.

Common council to furnish fire engine-house.

Sec. 3. The common council of said village of Niles are hereby authorized and empowered to build or otherwise furnish at the expense of their corporation, a fire engine house: *Provided, however*, That any assessment of taxes for the above mentioned purpose, shall be directed and authorized by the electors of said village in legal meeting assembled.

Repealing clause.

Sec. 4. All acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Approved March 26, 1839.

[No. 29.]

An Act to organize certain townships, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the county of St. Clair, designated by the United States survey as townships number six, seven and eight north, of range number thirteen east, be and the same is hereby set off and organized into a township, by the name of Berlin, and the first township meeting shall be held at the house of Ephriam Codrington, in said township. Berlin.

Sec. 2. All that part of the county of Lapeer, designated by the United States survey as townships number eight and nine north, of range nine east, and township number nine north, of range number ten east, be and the same is hereby set off and organized into a township by the name of Marathon, and the first township meeting shall be held at the house of Abijah Willey, in said township. Marathon.

Sec. 3. All that part of the township of Napoleon, in the county of Jackson, which lies west of a line commencing eighty rods west of the southeast corner of section number thirty-six, in township number four south, of range number one east, and running northerly parallel to the line between range number two until it intersects the northern line of said township of Napoleon, be and the same is hereby set off and organized into a township by the name of Columbia, and the first township meeting shall be held at the house of William T. Fuller, in said township. Columbia.

Sec. 4. All that part of the county of Van Buren, designated by the United States survey as townships number three and four south, of range number sixteen west, be and the same is hereby set off and organized into a township by the name of Keeler, and the first township meeting shall be held at the house of W. H. Keeler, in said township. Keeler.

Sec. 5. The township of Aba in the county of Macomb, shall be hereafter known and designated by the name of Warren. Aba changed to Warren.

Sec. 6. The township of Wandaugon in the county of Clinton, shall be hereafter known and designated by the name of Lebanon. Wandaugon to Lebanon.

Sec. 7. This act shall take effect on and after the first Monday of April next. Act take effect.

Approved March 22, 1839.

removed; and for the holding of the said first election the freemen shall elect viva voce, in their respective wards, at the place of holding the poll, on the morning of the election day, at nine o'clock, three of their number to act as ward inspectors of election for that day.

Residence of elector.

The residence of an elector under this act, shall be the ward in which he boards or takes his regular meals.

One constable to be elected in each ward.

Sec. 3. There shall also be elected in each of the said wards, annually, one constable, and the six constables thus chosen shall be the constables for said city in lieu of those now provided by law.

Also one assessor; removal of either from ward to vacate office; vacancy how filled.

Sec. 4. There shall also be elected annually one assessor for each of said wards, who shall, with the constables, be residents of the wards for which they shall be chosen, and if any assessor or constable shall remove from the ward for which he may have been chosen, such removal shall be considered a vacancy in the office, and such vacancy shall be filled by the common council, and the assessors elected by virtue of this act shall be in lieu of those now or heretofore appointed by the common council.

Assessors to make out assessment roll.

Sec. 5. The assessor in each ward, shall, once in each year, between the first Monday of March and the second Monday of April, make out the assessment roll of all the taxable persons and property in their respective wards. Except that for the present year the same shall be done between the third Monday of April and the first Monday of June: *Provided*, That where any lot or lots shall be partly in two or more wards, such lot shall be assessed in the ward where the greater proportion of said lot is situate.

Each assessor to give notice of completion of assessment roll.

Sec. 6. As soon as the assessment roll shall be completed, each assessor shall give notice to the inhabitants of their respective wards by posting up notices in three of the most public places in each ward, and by publication in the daily city newspapers for ten successive days, that he has completed the assessment roll of his proper ward, and that the same is left with the city clerk, where the same may be inspected for ten days, and that on a day and at a place named in said notice, the assessors of the several wards will meet to review the said rolls on the request of any person considering himself aggrieved.

house of William T. Fuller, in the village of Jefferson, in said township, any law to the contrary notwithstanding.

Sec. 2. This act shall take effect on and after the first Monday of April next.

Approved March 26, 1839.

[No. 32.]

An Act to legalize the proceedings of the township meetings of the townships of Metamora and Elba, in the county of Lapeer.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the proceedings of the township meetings of the township of Metamora, in the county of Lapeer, held in the month of June, A. D. 1838, and also the proceedings of the township meeting of the township of Elba, in said county, held in the month of May, A. D. 1838, be as valid in law to all intents and purposes as if the said township [meetings] had been held, respectively, at the time fixed by law for said township meetings: *Provided, nevertheless*, That nothing herein contained shall be so construed as to impair, take away, or injuriously affect any individual or vested right.

Approved March 26, 1839.

[No. 33.]

An Act to legalize the township elections of the townships of Aliedon and Aurelius.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the township election of the township of Aliedon, held on the Thursday next after the first Monday in April, A. D. 1838, and also the township election of the township of Aurelius, held on the Saturday next after the said first Monday in April, be as valid in law as if the said elections had been held on the said first Monday of April in said townships, respectively: *Provided, nevertheless*, That nothing herein contained shall be so construed as to impair, take away, or injuriously affect any individual or vested right.

Approved March 26, 1839.

[No. 34.]

An Act to amend "An act to incorporate the village of Niles, and the acts amendatory thereto."

Twenty-sixth section of act of April 5, '38, repealed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the twenty-sixth section of the act approved April fifth, eighteen hundred and thirty-eight, entitled "An act to amend an act entitled 'An act to incorporate the village of Niles, and the act or acts amendatory thereof,'" be and the same are hereby repealed.

Election held in Mar. '38, and certain acts of common council legalized.

Sec. 2. The election held by the electors of the village of Niles, on the first Monday of March, eighteen hundred and thirty-eight, for a president, recorder, treasurer and six trustees, is hereby legalized to the same effect, as though the said election had been held according to the provisions of "An act to amend an act entitled 'An act to incorporate the village of Niles, and the act or acts amendatory thereof,'" and all corporate acts done and performed by the common council, and officers of the said corporation of the village of Niles so elected on the said first Monday of March, eighteen hundred and thirty-eight, shall be deemed and taken as valid and binding: *Provided, however*, That in all other respects the said common council and officers of the said corporation shall have complied with the laws of this state and the acts of incorporation of said village: *And provided further*, That nothing herein contained shall be so construed as to take away, or impair any vested right, nor to sanction any sale of real estate by reason of any tax heretofore by said corporate authorities assessed, provided for or directed to be levied, that may have been made before the passage of this law.

Common council to furnish fire engine-house.

Sec. 3. The common council of said village of Niles are hereby authorized and empowered to build or otherwise furnish at the expense of their corporation, a fire engine house: *Provided, however*, That any assessment of taxes for the above mentioned purpose, shall be directed and authorized by the electors of said village in legal meeting assembled.

Repealing clause.

Sec. 4. All acts and parts of acts contravening the provisions of this act, be and the same are hereby repealed.

Approved March 26, 1839.

[No. 35.]

An Act relative to ward elections in the city of Detroit, and for other purposes.

Common council to consist of mayor, recorder and twelve aldermen; quorum.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act the common council of the city of Detroit, shall consist of a mayor, recorder, and twelve aldermen, (of whom the mayor or recorder and six aldermen, shall constitute a quorum,) who shall be elected and chosen as follows: the city shall be divided into six wards, in the manner hereinafter mentioned, each of which shall elect as members of the common council two aldermen. One of said aldermen in each ward shall serve until the first Monday of March, eighteen hundred and forty, and the other until the first Monday of March, eighteen hundred and forty-one; the time for which each alderman shall serve to be determined by the inspectors of the election in each ward by lot, and from and after the first Monday of March, eighteen hundred and forty, each ward shall elect annually one alderman, who shall serve for two years. They shall also elect the other city and township officers which by law are now elective, in the manner hereinafter provided.

City to be divided into six wards; each to elect two aldermen, &c.

Vacancy in office of alderman.

In case of a vacancy in the office of alderman, it shall be the duty of the common council to give notice of a special election to be held by the freemen of the proper ward to fill such vacancy, which notice shall designate the time and place in said ward of holding said election, as hereinafter mentioned.

When charter elections to be held; notice thereof.

The charter election shall be held on the first Monday of March in each year, (except for the present year, in which for the purpose of holding an election under this act, it shall be held on the third Monday of April,) at such places in the respective wards as shall be designated by an order of the common council, at least eight days previous thereto, notice of which shall immediately or within three days from the date of such order be given by the city clerk by publication in the newspaper published by the city printer, and at the first election under this act in April of the present year, by posting the same in handbills in at least four public places in each ward.

Freemen to vote in ward in which they reside.

Sec. 2. At all city elections every freeman shall vote in the ward where he shall have resided for ten days next preceding the day of election, otherwise he may vote in the ward from which he

removed; and for the holding of the said first election the freemen shall elect viva voce, in their respective wards, at the place of holding the poll, on the morning of the election day, at nine o'clock, three of their number to act as ward inspectors of election for that day.

Residence of elector.

The residence of an elector under this act, shall be the ward in which he boards or takes his regular meals.

One constable to be elected in each ward.

Sec. 3. There shall also be elected in each of the said wards, annually, one constable, and the six constables thus chosen shall be the constables for said city in lieu of those now provided by law.

Also one assessor; removal of either from ward to vacate office; vacancy how filled.

Sec. 4. There shall also be elected annually one assessor for each of said wards, who shall, with the constables, be residents of the wards for which they shall be chosen, and if any assessor or constable shall remove from the ward for which he may have been chosen, such removal shall be considered a vacancy in the office, and such vacancy shall be filled by the common council, and the assessors elected by virtue of this act shall be in lieu of those now or heretofore appointed by the common council.

Assessors to make out assessment roll.

Sec. 5. The assessor in each ward, shall, once in each year, between the first Monday of March and the second Monday of April, make out the assessment roll of all the taxable persons and property in their respective wards. Except that for the present year the same shall be done between the third Monday of April and the first Monday of June: *Provided*, That where any lot or lots shall be partly in two or more wards, such lot shall be assessed in the ward where the greater proportion of said lot is situate.

Each assessor to give notice of completion of assessment roll.

Sec. 6. As soon as the assessment roll shall be completed, each assessor shall give notice to the inhabitants of their respective wards by posting up notices in three of the most public places in each ward, and by publication in the daily city newspapers for ten successive days, that he has completed the assessment roll of his proper ward, and that the same is left with the city clerk, where the same may be inspected for ten days, and that on a day and at a place named in said notice, the assessors of the several wards will meet to review the said rolls on the request of any person considering himself aggrieved.

Assessors to meet and review assessments.

Sec. 7. On the day and for at least three successive days thereafter, at the place specified in such notice, the assessors shall meet, and on the request of any person considering himself aggrieved, and on sufficient cause being shown, by the affidavit of such person, or by other evidence, to the satisfaction of the assessors, they shall review said roll, and may alter the same, as to the property of any such person and the estimated value thereof.

Oath to be taken by assessor.

Sec. 8. The assessors in each ward shall take the same oath as is required of the township assessors in the several townships of this state.

Ward inspectors of election; their oath.

Sec. 9. After the said first election, the ward inspectors of election shall consist of the two aldermen and the one assessor in each of the wards, who, as well as the said inspectors for the said first election, shall be duly sworn to a faithful discharge of their duties, and if from any cause the said ward inspectors shall fail to attend said elections, their places may be supplied for the time being, by the electors present, who shall elect any of their number viva voce.

Elections, how conducted; canvass and return of votes.

Sec. 10. The said ward elections shall be conducted as heretofore, or as near as may be in all respects, and the said inspectors shall, on canvassing the votes, certify a full and true return thereof under their hands, to the clerk of the said city, carefully sealed up, together with the poll list and ballots, within twenty-four hours after the closing of the polls; and thereupon the said ward inspectors, or a majority of them, shall, on the Thursday next succeeding said charter election, at three o'clock P. M., meet at the city clerk's office or common council room, and proceed to open and canvass the said returns and declare the result of said election: *Provided, however*, at the said first election the present common council, (who it is hereby declared shall continue in office until their successors are elected and qualified,) shall canvass the said returns in the manner and at the time and place aforesaid.

Votes for mayor, justices of peace and township officers.

Sec. 11. The votes for the offices of mayor, justices of the peace, and other city and township officers, shall be given by the freemen in the wards in the manner provided for in the second section.

Mode of conducting state, district and county elections.

Sec. 12. The mode of conducting all state, district and county elections in said city shall be in the manner herein provided in reference to city officers, except that the returns thereof by the

said ward inspectors shall be made to the county clerk, and the same proceedings had, or as near as may be, as are now provided by law for the return of votes by township inspectors of election.

Challenging at charter elections; false swearing; voting more than once.

Sec. 13. At all charter elections, if a vote shall be challenged, the inspectors of election shall be authorized to swear or affirm the person whose vote is challenged, to answer such questions as may be put to him touching his qualifications, and the said inspectors shall decide from the examination, as to the legality of such vote. All false swearing under this or any other act relating to the qualification of electors in said city, is hereby declared to be perjury, and punishable as such. And if any elector shall vote in more than one ward, or more than once in the same ward, at any election in said city, he shall be subject to indictment, and on conviction, punished by fine not exceeding five hundred dollars, or imprisoned at hard labor for a period not more than three years, or both, at the discretion of the court.

Boundaries of wards.

Sec. 14. The several wards in said city shall be and they are hereby set off as follows:

First ward.

The First Ward to embrace that part of the said city situate west of the centre line of Shelby, and south of the centre of Michigan avenue.

Second ward.

The Second Ward, all south of the centres of Monroe and Michigan avenues, and between the centres of Shelby and Randolph streets.

Third ward.

The Third Ward, all south of the centre of Croghan street, and between the centre lines of Randolph and St. Antoine streets.

Fourth ward.

The Fourth Ward, all east of the centre line of St. Antoine street, and south of the Gratoit road.

Fifth ward.

The Fifth Ward, all north of the centre of Michigan avenue, and west of the centres of Woodward avenue and the Saginaw turnpike.

Sixth ward.

The Sixth Ward, all east of the centre of Woodward avenue, north of the centres of Monroe avenue, Croghan street, and the Gratiot road, and west of the centre line of St. Antoine street.

Recorder, how chosen, &c.

Sec. 15. The recorder shall be chosen as heretofore, by the mayor and aldermen, and shall be entitled to a seat within the common council, for the purposes of deliberation and of acting on committees, but shall have no vote therein, except when the mayor shall be absent or his office vacant, in which case he shall be the acting mayor as heretofore.

Sec. 16. All process and proceedings in the mayor's court, (which is hereby declared to be clothed with similar jurisdiction and powers as heretofore,) shall be in the name of the people of the state of Michigan, and for the purposes of affording a party brought into said court the right of a trial by jury when demanded, the said mayor's court shall have power to award instanter a venire facias, commanding the marshal or any city constable to summon forthwith, eighteen persons resident in said city, having the qualifications of jurors in the circuit courts, which persons thus summoned shall attended forthwith as jurors, and not depart the court until discharged, under such penalty, not exceeding ten dollars, as said court may impose. The jury for trial of causes in said court to consist of twelve persons, to be drawn in the usual mode from the panel summoned as aforesaid. And in case of default in the attendance of a sufficient number of jurors, or in case the number in attendance shall be reduced by challenges, (the right to which is hereby extended to the parties as in the circuit courts,) the said Mayor's court shall have power to direct the summoning of talesmen, who shall be subject in case of default to the penalty in this section provided. Proceedings in mayor's court.

Sec. 17. The mayor's court shall consist of the mayor or recorder and two aldermen. Said aldermen to be designated by the common council, at a meeting previous to the term of said court, and in case the aldermen so designated, or either of them, shall fail to attend, the vacancy may be supplied by any other member of the common council on the request of such as do attend. In case, however, of the absence or inability to act of the mayor and recorder, the said court may be held by any three aldermen to be designated as aforesaid. Who to constitute the court.

Sec. 18. The common council shall have power to pass such ordinances in relation to the assessing of the road tax in the said city, and to the time and manner of applying the same, whether in labor or money, as they may deem expedient. Power of common council relative to road tax.

Sec. 19. All acts or parts of acts now in force which may be inconsistent with the provisions of this act, are hereby repealed. Repealing clause

Sec. 20. This act shall take effect from and after its passage. Act take effect.

Approved March 27, 1839.

Order to close branch, a two-third vote, &c.

Sec. 38. Any order of the board of directors to suspend or close a branch shall be carried by at least the votes of two-thirds the members present at some meeting, to attend which all the members of the board shall have been notified, together with the object of such meeting; and the question shall be taken by the ayes and noes, and the same shall be recorded on the minutes of the board. The order of the board of directors of the state bank suspending any branch, shall likewise have the effect to suspend all suits, judgments, orders, decrees and executions, for any claim or demand which said branch should have paid; nor shall any suit be progressed in, until the matter in controversy shall have been submitted to the board of directors of the state bank, or the persons by them entrusted with the affairs of said branch; and if on such submission, the justice of such claim shall not be admitted and the same be agreed to be paid, on the closing up of the affairs of said branch the same may progress to judgment; but executions, and all other executions or decrees, shall remain until one year from the time such branch was suspended.

Its effects upon suits pending, &c.

Directors of state bank to report to legislature.

Sec. 39. It shall be the duty of the board of directors of the state bank, in the first week of the session of the legislature of each year, to make report to the legislature of the affairs and business of said bank, and each branch thereof, setting forth in regard to each,

1st. The amount of available funds on hand, designating each kind:

2d. The amount of notes discounted:

3d. The amount of bills of exchange:

4th. The amount and condition of the surplus fund:

5th. The amount of notes in circulation:

6th. The number of officers and servants, and the amount of compensation to each:

7th. The amount of rents paid, if any:

8th. The value of houses used for banking purposes:

9th. The value of other real estate, and whether the same has been regularly offered for sale as by this act required:

10th. The amount of debts due to and from other banks:

11th. All such other matters as shall by them be deemed material or important, or shall be required of them by the legislature.

materials furnished on her works of internal improvement, as directed by law; and all payments to contractors or others shall be made in specie, or in the bills of specie paying banks, convertible into specie on demand.

Sec. 4. This act shall take effect from and after its passage.

Approved March 29, 1839.

[No. 37.]

An Act to establish the State Bank of Michigan.

Bank with seven branches established; its general powers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That a state bank with seven branches is hereby created and established, which, with so many branches as may be organized under this charter, shall be known and styled "The State Bank of Michigan," and shall continue as such until the first day of January, eighteen hundred and sixty, and shall be a body corporate and politic, with power to sue and be sued, plead and be impleaded, in any court of law or equity having jurisdiction, and to transact all other lawful business herein authorized: and shall have power by and through its branches, and not otherwise, to loan money, buy, sell, and negotiate bills of exchange, checks, promissory notes, and other evidences of debt; to discount on banking principles and usages, bills of exchange, post notes, promissory notes, and other negotiable paper, or obligations for the payment of money; to receive deposites, to buy and sell gold, silver, bullion, and foreign coin; to issue and put in circulation, bills, notes, post notes, bills of exchange, and other evidences of debt payable to order or bearer, and not otherwise; and to exercise such other incidental powers, as shall be necescary to carry on such business; such notes and bills put in circulation as money, except post notes and bills of exchange, shall be made payable on demand: *Provided*, all branches provided for in this act shall be established and located by the legislature of this state.

Branches to be located by legislature.

Bank not to deal in goods, wares or merchandise.

Sec. 2. It shall not be lawful for said bank or any branch thereof, at any time, to use or employ any part of its capital or other funds in the buying or selling of goods, wares or merchandize, or in any other business or dealing not by this act authorized

Restricted in the purchase of real estate.

and permitted; nor shall it be lawful for said bank or any of its branches, to purchase, hold and convey, any real estate, except such as shall be required for its immediate accommodation in the convenient transaction of its business; or such as shall have been mortgaged to it in good faith as security for stock, or loans previously contracted, or for moneys due; or such as shall have been conveyed to it in satisfaction of debts previously contracted in the course of its dealings; or such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts; and all such real estate not absolutely necessary for the convevient discharge of its business, shall be set up at least once a year at public sale, and shall be sold, if the same will bring the amount of the debt, interest and costs for which it had been bought, received or taken by the bank or any branch thereof, and which remain after deducting all profits received from said real estate, provided thirty days' previous notice of such sale shall be given in the nearest newspaper to said bank, describing the property to be sold, the name of the mortgagor, if any, and the amount due. All conveyances of real estate shall be signed by the president of the state bank, and shall have the seal thereof affixed.

When real estate not necessary for the transaction of its business to be sold.

Conveyance of, how to be executed.

Not to suspend payment of its notes in specie, &c.

Sec. 3. The said bank shall not at any time suspend payment in specie on any of its notes, bills or obligations due and payable, nor of any moneys received upon deposite; and if said bank at any time refuse or neglect to pay any bill, note or obligation, issued by such bank, if demanded within the usual banking hours, at the proper branch where the same is payable according to the contract, promise, or undertaking therein expressed, or shall neglect or refuse to pay on demand, as aforesaid, any moneys received on deposite, to the person or persons entitled to receive the same, then, and in every such case, the holder of any such bill, note, or obligation, or the person or persons entitled to demand or receive such moneys as aforesaid, shall respectively be entitled to receive and recover interest on their said demands until the same shall be fully paid and satisfied, at the rate of twelve per centum per annum from the time of such demand as aforesaid; and any branch failing to meet its engagements may be closed as insolvent.

Sec. 4. The said branches shall be mutually liable for each others debts, and all suits for any liability of the said bank or any of its branches, shall be brought against the state bank of Michigan. Branches liable for each others debts; suits to be brought against state bank.

Sec. 5. The process in such case shall be a summons, and be served on the president of the state bank, in all cases when the contract, engagement, or liability sued for shall have been made by the board of directors of said bank, and in all cases where the contract, engagement, or liability has been made or incurred by a branch, the process shall be served on the president of the branch; and in all cases a copy of the process left at the banking-house or place of doing business of the state bank, or of the proper branch, as the case may be, during the usual hours of business, shall be good service, and it shall be the duty of the president of any such branch or any other officer thereof, knowing of such service, forthwith to notify the president and directors of the state bank, and all suits against said bank or any branch, shall be brought in the county where the same is situated, and there shall be no stay of execution on judgments obtained against said bank or any of its branches, except as herein provided for. To be by summons; upon whom and how served; duty of president of branch when served on him; where suit to be brought.

Sec. 6. Said bank shall be entitled to charge and receive for moneys loaned, seven per cent, in advance, and no more; in the dividend of profits, no unpaid interest, although due, shall be included; but the same shall be so managed that the capital stock shall never be diminished; a surplus fund may be created out of the profits and kept up, that shall never, after it reaches that sum, be less than one sixteenth of the capital stock in each branch. May take seven per cent in advance; capital not to be diminished; surplus fund to be created.

Sec. 7. There shall be a semi-annual dividend of profits among the stockholders, after first deducting all expenses and moneys reserved for a contingent and surplus fund; and after deducting also the sum of twenty cents on each share of stock, other than that held by the state, as a tax, in lieu of all other taxes and assessments, on the stock in said bank; which last mentioned sum shall be devoted to purposes of common school education, and be added to and constitute a part of the common school fund; and in making said calculation and division of profits, each branch shall be independent of the rest, and its profit shall be divided among the stockholders thereof; and any branch which shall not, after the first year, yield a profit of six per cent per annum Dividends, when and how made. When branch not yielding six per cent may be wound up.

upon the capital actually paid in, may be closed and wound up by and under the direction of the board of directors of the state bank, as in case of insolvency, unless the discounts of such branch shall have been limited and controlled by the directors of the state bank, so as to prevent said stock from yielding such profit.

Capital; shares; stock, by whom to be owned; how and by whom apportioned among branches; when state capital may be withdrawn from one branch and placed in another.

Sec. 8. The capital stock of said bank shall be two millions of dollars, in shares of fifty dollars each, one half thereof to be subscribed for and owned by the state of Michigan, and the other half by individuals, companies, copartnerships or corporations, and may be increased as hereinafter prescribed; and said stock shall be apportioned by the directors of the state bank appointed on the part of the state, among the several branches hereby established, in such manner as they, or a majority of them, may think just and equitable, taking into consideration the population and commerce of the different parts of the state, both present and prospective: *Provided, however*, That not less than one hundred and fifty thousand dollars shall be apportioned to any one branch; but if at any time the amount so apportioned cannot be profitably used in any branch, the directors of the state bank, by and with the consent of the directors of such branch, may withdraw such portion of the state capital as cannot be profitably employed in said branch and place it in such of the other branches as can most advantageously use the same; and such portion, when placed in a branch, shall, for the time it shall remain therein, be considered as so much of an addition of its capital, and it may govern its operations accordingly; and the branch from which such state stock is taken shall be regulated in its operations according to its remaining capital; and the directors of the state bank may, when they deem it expedient, withdraw such a portion of the state stock from any branch for the purpose of being replaced as state stock in the branch from which it shall have been taken, or in any new branch which shall be organized, or in any of the other branches.

May accept deposites of general government.

Sec. 9. The said bank or any branch thereof, may accept, receive, and become responsible for the deposites and public revenues of the United States, upon such terms and conditions as may be agreed on by the agents of the general government and a majority of the directors of the state bank, and any branch may receive on deposite, (except as herein prohibited,) moneys, bullion, plate, and other articles of value of small bulk, on such terms and conditions as may be agreed upon by the parties.

Not to issue notes less than a dollar; post notes; not to purchase or sell its stock less than par.

Sec. 10. No notes shall be issued of a less denomination than one dollar, nor shall it be lawful for said bank or any branch thereof, to issue or put in circulation any post note of a less denomination than fifty dollars, or which is not made payable to order, on demand; and it shall not be lawful for said bank to purchase or sell its own stock at less than the par value.

What officers may examine into the affairs of bank or branches; when officer to report to governor; proceedings to be instituted on report.

Sec. 11. The state bank, and each and every branch, shall be open at any time, and at all times, to the examination of a bank commissioner or commissioners, or to any agent or committee appointed by the legislature, or to any director or directors appointed by the board of directors of the state bank for that purpose, who shall have power to inspect the books, papers, moneys, and effects of said bank, and to administer all necesssary oaths, and to take depositions concerning the condition and management thereof, or the conduct of any director, officer, or other person connected with, or employed in such institution, concerning its business operations; and if such bank commissioner or commissioners, or committee, agent or agents, shall be of opinion that said bank or branch, as the case may be, has violated this charter, he or they shall report the same to the governor, who shall direct the attorney general to institute proceedings against such bank or branch, in chancery, and if on the hearing, any violation is shown on the part of the officers of the state bank, they shall be forthwith removed, or so many as participated therein; if such violation be by a branch, its chartered rights shall be forfeited, and its affairs wound up as in cases of insolvency provided for in the thirty-fourth section of this act.

Embezzling money, bank notes, or making false statements or entries.

Sec. 12. If any president, director, cashier, other officer, or person employed in said bank, or any of its branches, or, if any commissioner, officer or agent of the board of fund commissioners, shall embezzle, or fraudulently convert to his or their use, any money, bank note, bill of exchange, check, bond or other security, under his or their care and management, or shall wilfully and knowingly make or exhibit false papers, or false statements, or make false entries in the books of said bank, or any branch thereof, with intent to defraud, or to deceive, he shall be deemed guilty of felony, and on conviction, shall be sentenced to imprisonment in the state penitentiary for any term not less than three nor more than twenty years, at the discretion of the court trying said offence, and shall forever thereafter be disqualified from

holding any office of honor, trust or profit in this state, and sh
Person appointed to examine bank making false report.
moreover be liable for the sum embezzled. Any person a
pointed to examine said bank or any branch, who shall knov
ingly make a false report or statement, shall be subject to a hi
punishment.

Seven directors to be elected by legislature, and one to be chosen by each branch.
Sec. 13. For the direction and management of said state ban
there shall be seven directors elected by a joint vote of bo
houses of the legislature, who shall respectively hold their offic
one, two and three years from and after the third Monday
January, one thousand eight hundred and thirty-nine, two goi
out of office each year; and said directors shall, at their fir
meeting after their election, determine by lot the periods they sh
respectively hold their offices; and also one director shall l
President to be chosen by state directors.
chosen by each branch in the manner hereinafter prescribed.
president shall be chosen by a majority of the directors appoint
by the legislature, not one of their number, who shall be a dire
tor by virtue of his office, with power to vote as a director, a
shall hold his office for five years, and whose compensation sh
be fixed by the said directors for the first term, and after that t
President or state directors may be removed; compensation to directors.
the board of directors of the state bank; but said president,
any one or more of the directors on the part of the state, may l
removed at any time by a joint resolution of two-thirds of ea
branch of the legislature. The board of directors of the sta
bank may fix the compensation of each member, but it shall n
exceed three dollars per day, for actual service rendered. Aft
the first election of directors, the legislature shall annually,
the third Monday in January, or so soon thereafter as may b
fill in like manner all vacancies that may have or shall be abo
to occur in the office of director on the part of the state in sa
bank.

Directors of bank and branches respectively, to appoint their cashiers, &c.
Sec. 14. The board of directors of the state bank, and also
each branch, shall have power to appoint their respective cas
iers, clerks, tellers and other inferior officers and agents, for t
purpose of carrying on their business, to fix their term of offi
and compensation, and require such bond and security from the
as they may from time to time deem expedient.

President of bank to preside at meetings, vote as director, and give casting vote. May call special meetings, &c.
Sec. 15. It shall be the duty of the president of the state ba
to preside at all meetings of the board, and to decide on
questions on which the board is equally divided by his casti
vote, in addition to his vote as director; and he shall have pow

to call special meetings thereof when he may deem it necessary, and generally to do and transact all other business naturally appertaining to his office, or conferred upon him by this act.

Directors of state bank may limit discounts of branches, &c.

Sec. 16. The directors of the state bank shall have power to limit and control the discounts and loans of the branches or any of them, after they shall amount to once and a quarter the amount of capital stock paid in, but may from time to time authorize the several branches or any of them to extend their discounts and loans to an amount which shall not exceed two and a half times the capital actually paid in; and for this purpose the debts due to them, exclusive of deposites and cash balances in other banks and branches, may be extended twice and one half the amount of the capital actually paid in, but shall never exceed that proportion. And said directors shall have power to regulate and adjust the accounts and balances between the branches, and it shall be their duty to regulate and equalize the state funds and public deposites that may be in bank, and may transfer the same from one branch to another, as circumstances may require, but shall in no case withdraw any part of the capital stock of any branch, or any part of its own local funds, without the consent of the board of directors of such branch, to be used in any other branches, except in cases requiring such branch to be closed as herein provided for; and they shall have power to make and prescribe all necessary by-laws to carry the powers herein conferred into effect.

Who prohibited from voting for directors, as attorney for another. Who from being president, director or cashier.

Sec. 17. No president, cashier, clerk, teller, or attorney of said bank, or any branch thereof, shall be permitted to vote at any election for directors, as the attorney, agent or proxy of any stockholder; and it shall not be lawful for any member of either branch of the legislature, or the person administering the government of this state, the secretary of state, the auditor, treasurer, or attorney general, any judge of the supreme or circuit court, bank commissioner, commissioner of internal improvement, or superintendent of public instruction, or any person holding an office or appointment under the authority of the general government, to hold the office of president, cashier or director of the said bank, or of any branch thereof; nor shall any stockholder or director of any other bank be a director, president or officer of said state bank.

Real estate mortgaged to bank may be redeemed within five years after it is sold for taxes.

Sec. 18. No sale or forfeiture for unpaid taxes of any real estate mortgaged to said bank to secure the payment of loans made, shall, until the lapse of five years from such sale, operate to prevent said bank from redeeming the same on payment of such taxes and damages and interest thereon, as are required by law in other cases of lands forfeited and sold on account of unpaid taxes, if at any time after such sale and forfeiture such real estate shall become the property of the bank for the payment of any such debt.

Directors not to locate other branches.

Sec. 19. It shall not be lawful for the directors of the state bank to locate any other branch or branches than is herein authorized.

Oath to be taken by officers; before whom taken; to be recorded and filed; evidence on trial for perjury.

Sec. 20. The president, directors, and all other officers of said state bank and branches, shall take and subscribe, before enter ing on the duties of their respective offices, the following oath or affirmation : "I do solemnly swear (or affirm as the case may be,) that I will support the constitution of the United States and the constitution of this state, and that I will faithfully discharge the duties of according to the best of my ability," which oath or affirmation shall be administered by a notary public and recorded in a book to be kept by the bank or branch, as the case may be, and said notary shall cause the said oath or affirmation, duly signed and certified, to be filed in the county clerk's office of the county where the said bank or branch may be situated, and which may be given in evidence upon any examination or trial for perjury; and it shall be the duty of each and every officer of said state bank to communicate to the board of directors of the state bank any violation of the said charter, and in case of neglect or refusal shall be deemed guilty of perjury.

Number of directors required to transact business in bank or branches.

Directors of branches to report to state bank.

Directors of state bank to examine into condition of branches.

Sec. 21. Five directors, the president being one of them, shall be necessary to constitute a board for the transaction of business in said state bank or any branch; and in case of sickness or absence of the president, his place may be supplied for the time being, by any director whom the board may appoint; and the said board of directors shall have power to require of the board of directors of each branch, reports of their business and condition, as often as may be deemed expedient, and not less than once each month, and shall have power to appoint one or more of their number to visit and inspect the condition and affairs of each branch when and as often as they may deem necessary

and it shall be their duty to make such examtion at least once in six months, and also at any other time when required by the directors of any branch.

President and directors to locate the branches.

Sec. 22. The president and directors of the state bank first appointed as herein provided, shall locate each and all of the seven branches by this law authorized and established, at such place or places within this state as they, or a majority of them, shall deem proper, taking into consideration the interest of the whole state, together with the business and commercial advantages of the several points, both present and prospective, which locations shall be made so soon as practicable, but no bonus or pecuniary inducement shall be offered or received to influence any location. But no branch shall purchase or erect any banking-house without the approbation and consent of the board of directors of the state bank.

No branch to erect banking house without consent of directors of state bank.

President and directors of state bank to keep office at seat of government, &c.

Sec. 23. The president and directors of said state bank shall constitute an executive board, with such power and control over the several branches, and subject to such restrictions and limitations as herein provided, and shall keep their office or banking-house at the seat of government of this state; but may exercise all such incidental powers as may be necessary on their part to carry into effect the object of this charter, according to its true spirit and meaning.

Duty of directors of state bank when any established branch fails to organize.

Sec. 24. Should any of the branches herein established, fail to organize as herein contemplated, it shall be the duty of the directors of the state bank, once in each year thereafter, for three successive years, and when thereunto required by any number of responsible persons who will pay or give security for costs and expenses, to cause the subscription books to be opened anew, and said branch or branches may proceed in all respects as the other organized branches may have done, and shall be entitled to the same privileges and subject to the same requirements and restrictions, under the direction of said executive board. And if any branch shall not organize according to the spirit of this charter, within the time above mentioned, it shall be deemed to have lost its corporate rights.

Commissioners to receive subscriptions of stock to branches, &c.

Sec. 25. After the directors of the state bank shall have located all the branches herein first provided for, and after having given thirty days' notice of the time and place of opening the books for each branch, they shall appoint three commissioners to open

the books and receive subscriptions for stock at each of said branches, which books shall be kept open between the hours of nine and twelve o'clock A. M. of each day, for the space of ten days.

Meetings of stockholders; when directors to exhibit statement of affairs.

Sec. 26. There shall be a general meeting of the stockholders of each branch held annually, at such time as the directors of the state bank shall direct, to which meeting the directors of the preceding year shall exhibit an exact and particular statement of the state, condition and affairs of said branch; and general meetings of the stockholders may be held at any other time when ordered by the board of directors of the branch.

Certificates of stock; transfers of stock; who may inspect stock book.

Sec. 27. Certificates of stock shall be issued to stockholders, signed by the president and cashier of the proper branch, and may be transferred on the books of the branch to be kept for that purpose, and not otherwise; in which case the old certificates shall be surrendered and new ones issued. No stock shall be transferred by any stockholder when any debt is due, or is then owing and to become due, whether as principal or endorser, from such stockholder, except by the consent of the directors of the branch; and such stock books shall, during the usual hours of transacting business, be kept open for the examination of any person having in his possession any note, bill or obligation on any branch then due, and the payment of which shall be refused. And in case any officer having charge of such books shall refuse to permit such examination, he shall for every offence forfeit the sum of fifty dollars, to be recovered in an action of debt by the person so refused.

Stock personal property; may be sold on execution.

Sec. 28. Stock shall be considered as personal property, and may be sold on execution, and transferred on the books of the branch by the officer selling the same, but in all cases shall be subject to a lien in favor of the bank for all debts bona fide due or then owing and to become due from the owner, either as principal or endorser.

Certain stockholders not entitled to vote. Number of votes which stockholders shall be entitled to.

Sec. 29. After the first election no stockholder who shall not have held his stock for which he votes for three calendar months previous to the day of election, shall be entitled to vote; and the number of votes to which stockholders shall be entitled in voting for directors, shall be in the proportion following, that is to say: for each and every share not exceeding four, one vote; for every two shares above four shares, and not exceeding thirty, one vote;

for every four shares above thirty, and not exceeding ninety, one vote; for every six shares above ninety, and not exceeding one hundred and fifty, one vote; and for every ten shares above one hundred and fifty, one vote. But no person, copartnership or corporation, shall be entitled to a greater number than one hundred votes. In all elections votes may be given either in person or by proxy, but no person shall vote by proxy more than one hundred votes, and no individual stockholder who shall be a resident of the county where the election is to be held, at the time of such election, shall vote by proxy, unless in case of unavoidable absence, except females or minors. Voting by proxy.

Sec. 30. The directors of the state bank shall have power to regulate the manner of holding elections for directors of the branches, and may, if necessary, change and fix the time of holding the same; of all which elections reasonable notice of time and place shall be given; and in case an election of directors shall not be made on the day when the same should have been, the directors of the state bank shall order a new election. No failure to elect any of the directors of the state bank, or any branch thereof, shall be considered a dissolution of this corporation, but the directors for the time being shall continue to hold and exercise their offices until their successors are chosen and qualified. Directors of state bank to regulate election of directors of branches. Failure to elect directors of state bank or branches.

Sec. 31. The directors of the state bank shall cause to be opened and kept by their clerks, accounts with each branch, showing the operations of each, and keeping constantly in view their business and condition, which shall be, at all reasonable times, open to the inspection of any person or persons authorized by the legislature to inspect the same. And they shall likewise keep a fair record of all their proceedings, in which all their orders, votes, and resolutions shall be entered, with the ayes and noes on all questions, which shall be open to like inspection. Accounts to be kept with branches. Record of proceedings, &c.

Sec. 32. The directors of the state bank shall apportion among the several branches all the expenses of the state bank, including the salary of the president and all other officers, agents, directors, and all other general and incidental expenses, which shall be according to the amount of stock in each, and they shall have power to demand and receive the same; and it shall be their duty to keep and preserve the original books of subscription of stock, and to cause to be returned to them from each branch, every six months, a statement of all transfers of stock made the preceding six months. Expenses of state bank to be apportioned. To keep original books of subscription, &c.

Procure plates, &c.; certificate of destruction of defaced bills.

Sec. 33. It shall be their duty to procure and take charge o the plates on which the paper of said bank shall be printed, anc they shall cause a sufficient amount thereof, from time to time to be printed, and they shall deliver, on the order of the board of directors of each branch, such an amount of such paper as shall be in accordance with the spirit and meaning of the charter, and the amount of the capital actually paid in at such branch, except when more shall be wanted to replace that which may have been worn out, defaced or lost, in which case, all paper so defaced shall be returned to said board of directors of the state bank and destroyed in presence of a majority of the directors, who shall sign a certificate of such destruction, which certificate shall be recorded in the books of said bank kept for such purpose; and they shall give no other or greater amount for paper lost, than they shall have good reason to believe is actually lost by circulation or otherwise.

When directors of state bank may suspend business of any branch and appoint receiver to close its affairs.

Sec. 34. The directors of the state bank shall have power, whenever they shall ascertain in any manner that any branch is insolvent, or is mismanaging its affairs, whereby the interest of the other branches is endangered, or that a branch hath violated any of the provisions of this act, or any other act binding upon them, or that any branch hath neglected or refused to comply with any legal order or direction of the board of directors of the state bank, and it is hereby made the duty of the said board forthwith to suspend the business of such branch, and the power of the branch directors over the same; and if the interest of the state, or the safety of the other branches requires it, to close up the affairs and business of said branch entirely; and to effect the same, they are hereby vested with power to appoint a receiver or receivers, who shall, under their direction and control, collect and receive the rights, credits and effects due such branch, and turn them into available funds, to settle adjust and pay off the debts due by such branch; and if any portion of the capital stock of such branch, or stock notes given therefor, shall be unpaid, to sue for and collect the same; and also all contributions required from stockholders under the provisions of the sixty-fifth section of this act, or so much as shall be necessary to meet the demands against said branch.

Sec. 35. A copy of the order suspending or closing any branch, and appointing a receiver or receivers to take charge of the same,

signed by the president and attested by the clerk of said board and the seal of said state bank, shall be sufficient to authorize such receiver to seize and take charge of the same, and all officers, stockholders, servants, and agents of such branch shall be required to obey and submit to the same, and in default may be indicted for misdemeanor and fined and imprisoned at the discretion of the court trying the same; and any person fraudulently holding and concealing any of the property or effects of such branch from such receiver, shall, upon conviction thereof before any court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars and sentenced to hard labor in the state prison for any term of time not less than one year nor more than ten years.

Copy of order sufficient authority for receiver to act upon. Officers of branch refusing to obey order may be indicted.

Concealing property of such branch.

Sec. 36. It shall be the duty of the directors of the state bank to provide for the payment of all the debts of a failing branch that shall remain due after all the property, real and personal, rights, credits and effects, and all the stock of such failing branch and the contribution of its stockholders shall have been applied; and for that purpose they are hereby authorized to call on the other branches for their respective proportions; arranging at the time of making such calls, so that the whole amount of such debt shall be paid within one year after such failing branch shall have been suspended; and if it shall so happen that the property, stock, contributions, or effects of such failing branch, shall not by that time have been turned into available means, the same shall be collected and distributed among the several branches to meet the advances by them made to pay the debts of such failing branch. The notes and certificates which shall have been issued by any insolvent branch shall be received at par in the payment of debts due any other branch or to the state, and shall not thereafter be re-issued for circulation.

State bank to pay debts of failing branch.

Notes of, to be received at par.

Sec. 37. After the payment of all demands against a failing branch, if any of its effects, of whatever kind or description, shall remain, the same shall be first applied to the payment of the state stock therein, and shall be divided among the other branches and used as capital in the same, as so much state stock; and if any residue should still remain, it shall be paid over to the other stockholders in their due proportions.

Effects, after paying debts, applied in payment of state stock, in preference to individual stock.

Order to close branch, a two-third vote, &c.

Sec. 38. Any order of the board of directors to suspend or close a branch shall be carried by at least the votes of two-thirds the members present at some meeting, to attend which all the members of the board shall have been notified, together with the object of such meeting; and the question shall be taken by the ayes and noes, and the same shall be recorded on the minutes of the board. The order of the board of directors of the state bank, suspending any branch, shall likewise have the effect to suspend all suits, judgments, orders, decrees and executions, for any claim or demand which said branch should have paid; nor shall any suit be progressed in, until the matter in controversy shall have been submitted to the board of directors of the state bank, or the persons by them entrusted with the affairs of said branch; and if on such submission, the justice of such claim shall not be admitted and the same be agreed to be paid, on the closing up of the affairs of said branch the same may progress to judgment; but executions, and all other executions or decrees, shall remain until one year from the time such branch was suspended.

Its effects upon suits pending, &c.

Directors of state bank to report to legislature.

Sec. 39. It shall be the duty of the board of directors of the state bank, in the first week of the session of the legislature of each year, to make report to the legislature of the affairs and business of said bank, and each branch thereof, setting forth in regard to each,

1st. The amount of available funds on hand, designating each kind:

2d. The amount of notes discounted:

3d. The amount of bills of exchange:

4th. The amount and condition of the surplus fund:

5th. The amount of notes in circulation:

6th. The number of officers and servants, and the amount of compensation to each:

7th. The amount of rents paid, if any:

8th. The value of houses used for banking purposes:

9th. The value of other real estate, and whether the same has been regularly offered for sale as by this act required:

10th. The amount of debts due to and from other banks:

11th. All such other matters as shall by them be deemed material or important, or shall be required of them by the legislature.

A like report shall be furnished to the legislature by the board of directors of each branch, and which shall contain a statement of the condition of the same as aforesaid, as found on the third Saturday in December, in each year, at two o'clock in the afternoon. Branches to report to legislature.

Sec. 40. The stockholders of each branch shall annually elect by ballot five directors for such branch; and the directors of the state bank, on the part of the state, shall appoint four directors for each branch, who shall hold their office for one year, and until their successors are chosen and qualified. Directors of branches to be chosen, &c.

Sec. 41. The said branch directors at their first meeting after each election shall choose one of their number to be president, and shall have power to appoint a cashier and such other officers and agents as they may deem necessary, whose term of office and compensations, together with the compensation of the president, shall be established by the directors. They shall have power also to fill all vacancies occurring in their own body, except in those appointed by the state bank, which shall be filled by those directors of the state bank appointed on the part of the state. To elect one of their number president; appoint cashier, &c. Fill vacancy.

Sec. 42. No person shall be elected or appointed a director of any branch, either by the stockholders or by the directors of the state bank, who shall be in arrears to such branch, or who is not a citizen of this state, or who is not a stockholder owning in his own right, and not in trust, at least five shares in such branch. Nor shall any person be a director in more than one branch at the same time; nor shall two or more partners be at the same time directors of the state bank or a branch thereof, nor shall any director of any moneyed corporation, having power to discount and receive deposites, or any broker, or other person usually employed in buying and selling bank notes or other evidences of debt, be a director or officer in said bank, or any of its branches. And if, during his term of office, any director shall violate any of the requirements of this section, so as to become disqualified, it shall be the duty of the board of directors of the state bank, or of such branch, as the case may require, forthwith to vacate his office and appoint another in his place: *Provided*, That no such vacation shall be made, unless the violation complained of shall be substantiated by satisfactory affidavit filed, nor until notice be given such director; and no branch director, except the president, shall receive compensation for his services, unless by a vote of the stockholders. Certain persons not to be appointed or elected directors of branches. Director becoming disqualified, to be removed. Compensation of branch directors.

Directors of branches to require security of officers; to report to state bank; to send copies of report to each other; keep record of proceedings, &c.

Sec. 43. The board of directors of each branch shall hav power to require such security from their officers and agents fo the performance of their duties, as they may deem necessary and it shall be their duty to make report of their business and th condition of their branch to the board of directors of the stat bank, once in each month, and oftener if thereto required by sai board, setting forth all the particulars required in their reports t the legislature, and shall also send copies of their monthly repor to each branch. They shall keep a true and faithful record of a their proceedings, and which shall be open for the inspection o all the stockholders at any regular meeting of the same, or at an other reasonable time, on application of any three stockholde holding in their own right fifteen shares, said application bein made to the president or cashier. All elections by the directors o said bank or branches shall be viva voce and be recorded.

Elections to be viva voce, and recorded.

Power to make by-laws.

Sec. 44. The directors of each branch shall have power t make and prescribe such by-laws, rules and regulations, not inco sistent with this charter, as they may deem needful, touching,

1st. The government of their respective branches and th management and disposition of its stock, business, property, esta and effects:

2d. The time, manner and terms upon which discounts and d posites shall be made and received in and by the same:

3d. The duties and conduct of the officers, clerks and servan employed by the same: and

When by-laws subject to control of directors of state bank.

4th. All such matters as may appertain to the concerns of sa branch, subject to the control of the directors of the state bank, the cases and according to the powers herein given to the directo of the said state bank.

Rules to be observed by board of directors.

Sec. 45. In the management of their business, the board directors shall observe the following rules:

1st. No branch shall loan money on the security of its ow stock.

2d. No person or persons shall be accommodated with a lo while in arrear for stock, for interest, or for loans had either o his own account or as security for others, and then due, unless th sum so due, be retained and first paid out of such loan.

3d. In the renewal of notes, the security shall never be le sened.

4th. No director shall be allowed to borrow money of an branch on any other than the usual banking terms.

5th. The president, cashier and directors, for the time being, of any branch, or of the state bank, shall not be permitted to endorse for each other; nor shall they vote on questions in which they are interested.

6th. No loan or discount shall be made by any branch where any three directors dissent thereform, and the ayes and noes shall be entered on the minutes of the board where the sum exceeds five hundred dollars, or when requested by any director.

Examination to be made every three months into cashier's accounts, &c.

7th. It shall be the duty of the directors of each branch, as often as once in three months, to cause strict examination to be made of the accounts of the cashier, and a full and complete settlement thereof; and to have a full statement entered on the journal of the proceedings of said board.

Stockholders indebted to bank not to receive dividend.

8th. No individual, company or corporation shall be entitled to receive any dividend or profits on stock owned, while indebted to said bank, either as principal or endorser, for any debt or demand then due and payable, but the same shall be placed to his credit until such debt or demand is paid.

Each branch to choose one director of state bank.

Sec. 46. The board of directors of any branch, shall, at their first meeting after its organization, and annually thereafter, and whenever any vacancy shall occur, choose one of the directors of such branch, who shall have been elected by the stockholders thereof, to represent said branch in the state bank, and who shall, until his successor be chosen and qualified, constitute one of the board of directors of the state bank.

When directors of state bank to locate branches; apportion stock; appoint commissioners to receive subscriptions.

Sec. 47. So soon as the fund commissioners shall have negotiated a loan as herein contemplated, the president and directors of the state bank, chosen by the legislature, shall proceed to locate the several branches, and apportion the stock as required by this act, and shall thereupon appoint the commissioners to receive subscriptions of stock and give notice as herein required, and not before.

When commissioners may refuse subscription for stock.

Sec. 48. It shall be the duty of the commissioners having charge of the subscription books, to examine as to the responsibility of the subscribers for the stock, and if they have good reason to believe that any subscriber will be unable to pay his first instalment, they may refuse his subscription unless he will give satisfactory security therefor.

Stock, how to be apportioned.

Sec. 49. If on closing the books at any branch, it shall be found that more than one half the amount of capital stock assigned to

such branch has been subscribed for by responsible persons, the excess shall be taken, first from such as reside out of this state, then from corporations and companies, and should there still be an excess, the same shall be taken in proportion from the subscriptions over five hundred dollars, until all are reduced to that amount and if there still be an excess, then from all over five shares equally in proportion to the amount until it be reduced to one half the capital as aforesaid. And said commissioners shall thereupon inform the directors of the state bank without delay.

Directors of state bank to give notice when first instalment on stock must be paid.

Sec. 50. When the stock shall have been subscribed at any branch as aforesaid, it shall be the duty of the directors of the state bank, so soon as they can ascertain when said branch or branches can be furnished with the capital on the state stock in said branch or branches, to give notice to the subscribers for stock, of the time when the first payment on their stock shall be made, which notice shall be by publication in the nearest newspaper to each branch, sixty days before any payment shall be required to be made.

Also of election of directors by stockholders.

Sec. 51. The directors of the state bank, at the time of giving the notice as to the payment of the first instalment on the stock, shall also, in like manner, give notice that an election will be held on the day succeeding that appointed for the payment of the stock, between the hours of ten A. M. and four P. M. of said day, at some public place at the point where the branches shall be located, for the election of directors on the part of the stockholders in their respective branches.

Any subscriber failing to meet instalment, subscription books to be re-opened.

Sec. 52. In case of failure on the part of any subscriber for said stock, to meet the first instalment, the commissioners having in charge the subscription books for stock, shall immediately re-open said books and keep the same open for the space of twelve hours, for the purpose of permitting subscriptions for such share or shares on which payment has failed to be made; and should there be more subscribers than there are shares to be subscribed for, preference shall be given to such as are not holders of shares, and the shares shall be equally distributed among the remaining subscribers; and if the number of subscribers shall still be more than equal to the number of shares to be taken, those who shall have shares shall be decided by lot under the direction of said commissioners.

Instalments on stock, when, how, and to whom paid.

Sec. 53. The subscribers for stock at each of the branches, shall, at the time appointed by the president and directors of the state bank, pay in specie, twenty per cent of the amount subscribed, to the commissioners having charge of the stock subscription books for the respective branches, as the first instalment on their stock; and the residue of said stock shall be paid in specie or its equivalent, in four equal semi-annual instalments of twenty per cent each. Each resident stockholder in said branches shall have the right of having the instalments that shall become due on his stock paid for by the state of Michigan, in specie or its equivalent to the proper branch, upon securing the amount of the same to the state, to be repaid on or before the expiration of nineteen years from the year eighteen hundred and thirty-nine, with interest thereon at the rate of seven per cent per annum, payable semi-annually, and securing the same to the state by giving a bond and mortgage on the fee simple of unincumbered improved real estate, the fair cash value of which shall be (exclusive of perishable improvements or timber standing thereon,) at least equal to twice the amount of such loan, or on unimproved land, which shall not be valued over two dollars per acre, the said bond and mortgage to be taken in the manner and subject to the provisions hereinafter specified. Any stockholder who in executing any mortgage as aforesaid shall be guilty of any fraud or deception, in regard to his title, shall forfeit his stock and the amount paid thereon to said branch bank.

Resident stockholder may require state to pay certain instalments on giving security therefor by bond and mortgage.

Stockholder guilty of fraud in giving mortgage to forfeit his stock.

When state bank to subscribe for stock in branch and pay the same.

Sec. 54. As soon as the stock shall have been subscribed and paid for at any of the branches as aforesaid, it shall be the duty of the president and directors of the state bank to subscribe for the stock on the part of the state, in such branch; and at the first general meeting of the board of directors of the state bank, after the organization of the board of directors of any such branch, they shall pay in specie to said branch or branches the first instalment of twenty per cent on the part of the state; and they shall in like manner pay each succeeding instalment of said stock subscribed as aforesaid on the part of the state: *Provided, however,* That the balance of the stock due from other stockholders shall be first paid or secured as aforesaid.

Proclamation authorizing bank and branches to commence business.

Sec. 55. When the president and directors of the state bank and any of the branches shall have been qualified by taking their oath or affirmation of office, and shall have organized themselves, and informed the governor that they are prepared to enter upon

the business of banking, he shall, by proclamation, authorize said state bank and branches to commence their business operations.

Directors of state bank to deliver by-laws, bills, &c., to branches.

Sec. 56. At the first general meeting of the bank directors of the state bank, they shall deliver to the president and directors of each branch, the by-laws, rules and regulations for the same, together with the bills, notes, checks, books and papers provided for such branch, taking the necessary receipts therefor, and also for the amount of stock paid on the part of the state, in such branch; a duplicate of which receipts shall be filed by the president and directors of the state bank, in the office of the treasurer of state.

Failure on part of stockholder to pay first or subsequent instalment.

Sec. 57. Should any failure of payment on the first or any subsequent instalment take place on the part of any subscribers for said stock, then and in such case, the party failing shall forfeit and pay, if for the first instalment, the sum of ten dollars per share to the president and directors of the state bank, to be recovered by an action of debt; and in case of a failure to pay any subsequent instalment at the time required by this charter, the president and directors of the branch shall be at liberty to sell and transfer any such share or shares of stock at public auction, after giving ten days' notice thereof in writing, put up at the door of said branch bank, and any surplus remaining after paying the amount due, and incidental charges, with ten per cent on the amount paid on such share or shares on which such instalment shall be due, shall be paid over to the owner or owners of such stock previous to the sale thereof; and if the same cannot be sold for sufficient to pay up the instalment then due thereon, the same shall be forfeited and become the property of the proper branch.

Dividends, to whom to be paid.

Sec. 58. The dividends declared by the directors of the state bank on the state stock, and on such portions of the stock belonging to the other stockholders who have had their stock paid for through the medium of the state loan, and which shall not have been paid for by such stockholders, shall be paid by the directors of the state bank and branches to the board of fund commissioners and not otherwise, unless upon the written instruction of the board to that effect; and it shall be the duty of the directors of the state bank to ascertain at the times of making their dividends, the amount due on the loan of the state to such stockholders, and declare the dividend thereof accordingly; and the dividends accruing on the stock, or such portions of the stock as shall not be

required to be paid to said board, shall be paid on demand to the holders thereof respectively, except in cases expressly provided for by this charter.

When dividends on stock on which state advanced money insufficient to pay interest.

Sec. 59. In case the amount of such dividend on individual stock so herein provided to be paid to the board of fund commissioners shall not be sufficient to pay the interest due from the owner of such stock for the money so loaned to him by the state, then it shall be lawful for said commissioners to demand and receive of said bank a sufficient sum from the dividends due on the residue of the stock of such owner as will pay the balance of such interest.

Not to receive note, &c., in payment of any instalment, or discount it for such purpose, &c.

Sec. 60. And it shall not be lawful for said bank or any branch to discount or receive any note or other evidence of debt in payment of any instalment due or to become due on any shares of its stock, or with the intent of providing the means of making such payment, or to receive or discount any note or evidence of debt, with the intent of enabling any stockholder to withdraw any part of the money paid in by him on his stock; nor shall said bank or any branch make any loan of its specie, or discount or receive any note or other evidence of debt for the purpose of furnishing means for any new branch to organize, or to enable any subscriber for or holder of shares of the stock of any branch to make payment of any instalment due thereon.

When insolvency of bank or branch to be deemed fraudulent.

Sec. 61. The insolvency of said bank or branch shall be deemed fraudulent, unless its affairs shall appear upon investigation to have been legally administered, and with the same care and diligence that agents receiving compensation for their services, are bound by law to observe; and it shall be incumbent on the directors and stockholders of the bank, or any branch, should the same become insolvent, to repel by proof the presumption of fraud.

Directors liable to creditors and stockholders in case of fraudulent insolvency.

Sec. 62. In case of the fraudulent insolvency of said bank or any branch, the president and directors of said bank or branch respectively, by whose acts or omissions the insolvency was wholly or in part occasioned, and whether then in office or not, shall each be liable in the first instance, to the creditors and stockholders of the said bank or branch, or any or either of them, for his proportional share of their respective losses; the proportion to be ascertained by dividing the whole loss among the whole number of directors liable; and if any such president or director shall be unable, by reason of being insolvent, or for any other

cause, to pay his proportional part of such loss, then the resi said loss shall be borne and paid in equal parts by the rem directors liable as aforesaid, until the whole loss shall be bursed, or the whole property, rights, credits and effects o of said directors shall have been exhausted towards the pa of such loss; but this section shall not be construed to di the liability of directors as before declared.

Stockholders' liability to creditors.

Sec. 63. If the moneys remaining due to the creditors bank or any branch, whose insolvency shall be adjudged f lent, after distribution of its effects, and after the property, credits and effects of the president and directors of such ins bank or branch shall have been exhausted, shall not be p the stockholders, the deficiency shall be made good by th tributions of the stockholders of the branch becoming ins The whole amount of the deficiency shall be assessed whole number of shares of the capital stock of said branch, s sum necessary to be paid on each share shall then be ascer and each stockholder shall be liable for the sum assessed number of shares held by him, not exceeding the nominal a of such shares in addition to the sum paid, or which he n liable to pay, on account of these shares; but before such bution shall be required or assessment made, on any shares the whole stock had been paid, the instalments unpaid shares, shall be required to be paid up, and the estimate deficiency made accordingly.

Bank and branches to receive and pay out all moneys of the state.

Sec. 64. The said state bank and branches shall recei pay out at their counter, the revenue and other funds of thi under the direction and control of the treasurer of the s fund commissioners, whenever the legislature may so dire so soon as said bank and any of the branches shall be org

Treasurer, &c. to deposite moneys with them.

and ready for business, it shall be the duty of the state tre and all other public officers having in their possession or their control, in any bank, or otherwise, any moneys, or f any description, belonging to this state, to deposite the s some one of said branches to the credit of the state, desig the particular fund to which it belongs, and to take a therefor from the cashier, which shall be a sufficient vouc any such officer, on settlement of his accounts; but it sh be lawful for said bank or any branch thereof to charge th for any such service or disbursement.

Sec. 65. The capital stock of said bank may be increased by individual subscriptions at any one or more branches, whenever the president and directors of the state bank shall consider such increase would promote the interest of the state and the welfare of the institution, reserving to the state the right to an equal increase of capital stock on her part: *Provided, however*, That such capital shall not be increased to exceed five hundred thousand dollars in any one year, and shall never exceed in the whole amount, the sum of five millions of dollars, and shall be apportioned by the directors of the state bank among the several branches, according to the forty-seventh section of this act. Increase of capital stock.

Sec. 66. The state reserves the right of establishing three additional branches, at any time after said bank shall have been five years in operation, to be subject as near as may be, to all the powers, privileges and restrictions of this charter. State may establish three additional branches.

Sec. 67. The president of said bank and the directors appointed by the legislature, shall constitute a standing board of fund commissioners. The president of said bank shall be the president and the cashier of said bank shall be the clerk of said board, and the said president, commissioners and clerk shall, before entering upon the discharge of their respective duties, severally give bond to the state of Michigan, in a penalty of fifty thousand dollars, with security to be approved by the auditor general, the secretary of state and state treasurer, or a majority of them, conditioned for the faithful performance of the duties of their office, and the lawful and proper application of all funds belonging to the state, that may come into their possession, or under their control; which bonds shall be filed in the office of the secretary of state, and the legislature may at any time require additional bonds and further security from any or all of said officers; and if any such officer shall refuse or neglect to give bond and security as required by this section, for the space of thirty days after his election, or after such requirement by the legislature, his office shall be considered as vacated, and the said president, commissioners and clerk, and all agents they may employ, shall also, before entering upon the discharge of their respective duties, take an oath or affirmation faithfully to discharge the trust reposed in them, and that they will truly and faithfully account for, and pay over to the state bank, or otherwise as required, all moneys that may come into their hands, or under their control, which oath or affirmation shall Board of fund commissioners; commissioners to give bond, take oath, &c.

be taken and filed as is required in the twentieth section of act; and for any wilful violation of duty, the person so offer shall be subject to the pains and penalties prescribed by the tw section of this act.

To have management of all funds belonging to state; keep record of proceedings; report to legislature; their compensation.

Sec. 68. The said board of fund commissioners, or a maj of them, shall have the superintendence and management o sinking fund, the internal improvement fund, the surplus rev the common school and university funds, and of all other belonging to this state, which have been or may hereafte created from any source or for any purpose whatever, under powers and restrictions as are conferred or imposed by thi or as the legislature may from time to time prescribe; they keep a record of all their proceedings, and shall annually report to the legislature during the first week of the session at all other times when required by the governor or legislature shall for their services be allowed such reasonable compens as may be prescribed by law, to be paid by the state banl branches, together with the reimbursement of their necessar penses.

May contract loan, &c.

Sec. 69. The said board of fund commissioners shall power and authority on the part of this state to contract a of one million eight hundred thousand dollars, or so much th as shall be required for the purposes of this act, in order to pr funds on the part of the state to pay for her subscription of in said state bank, and to afford her citizens who may be stockholders therein, the ability of paying up their instalme stock; which loan shall be at a rate of interest not exceedir per cent per annum, and redeemable after twenty and thirty-five years, at the pleasure of the state; and for the ment of which, and the interest thereon, at such time and pla may be agreed upon, the faith of the state is hereby irrevo pledged, and said loan shall be negotiated so as to be draw from time to time, as may be required by the state, to enab to comply with the true spirit and meaning of this charter.

May appoint one or more agents.

board are hereby authorized to appoint any agent or agents may think proper or expedient to enable them to discharg of the duties which may at any time be enjoined upon them board being responsible for the acts of any such agent or ag

May issue bonds for loan.

Sec. 70. The said fund commissioners, or a majority of shall have power to issue bonds for said loan executed by t

payable to order or bearer, copies of which bonds shall be filed in the office of the secretary of state.

To see the interest thereon paid.

Sec. 71. It shall be the duty of said board to see that the interest is promptly paid on the state loan or loans made for the payment of its stock, or that of the other stockholders in the state bank, and for this purpose they shall have the right to command the services of the state bank, free of charge, to pay the same, and it shall be the duty of said bank to pay the interest on said loan or loans when required by said board; the said bank to be reimbursed for the amount of interest thus paid, and all exchange and expenses actually incurred.

Sinking fund

Sec. 72. A sinking fund shall be created, which shall consist of all unapplied balances of the loan or loans, procured on the part of the state, for its stock in the state bank, or for the purpose of being loaned to stockholders, to enable them to meet their stock instalments in the bank; the semi-annual payments of interest on the state loan to stockholders, and the sums that shall be received in payment of said loans, the dividends that shall be declared and paid by the state bank on the state stock, and the dividends accruing on such portions of the stock belonging to the other stockholders, as shall have been paid for by the loan on the part of the state, and which shall not have been repaid by such stockholders.

Set apart to pay loan and interest thereon.

Sec. 73. The principal and interest of said sinking fund shall be reserved and set apart for the purpose of liquidating and paying off the loan or loans, and the interest thereon, that shall be negotiated on the part of the state for the payment of its stock in the state bank, and the remaining instalments on the shares of the other stockholders in said bank, and shall not be expended for any other purpose, until said loan or loans and the interest thereon, and incidental expenses, shall have been fully paid; and after the payment of said loan or loans, the interest and expenses, the residue of said fund shall be a permanent fund and be appropriated to the encouragement of agriculture, in such manner as the legislature shall hereafter direct.

Board to loan moneys belonging to sinking fund; examine title to real estate mortgaged; determine the value of such estate, &c.

Sec. 74. It shall be the duty of said board to loan all moneys belonging to said fund, and to examine the title to all real estate mortgaged to the state to secure the loan made by the state to the stockholders in the state bank, and the loans made by said board of moneys belonging to said fund, to ascertain and determine the

value of such real estate, to take the necessary bonds and mortgages to secure the payment of any such loans and the interest thereon, to receive and collect the amount due of the principal or interest of any such loans, and in the examination of the title to real estate, fixing the value thereof, and the amount for which it is to be mortgaged, the amount of the loan, its duration and rate of interest, the nature of the mortgage, the registering, cancelling or foreclosing thereof; and in the making and collecting any of said loans, with the interest thereon, the said board shall be governed in all respects by the direction of the legislature, except loans by the state to stockholders shall be governed by this charter.

Receive dividends due to state.

The said board shall receive and collect from the state bank the semi-annual dividends that shall be declared on the state stock, and on such portions of the stock of other stockholders as shall have been paid for through the medium of the state loan, and which shall not have been repaid by such stockholders to said board.

Pay all legal charges on said fund; keep account of all loans, disbursements, &c. on account of said fund and all other funds, &c.

Sec. 75. Said board shall make all necessary arrangements for meeting any legal charges or requisitions on said fund, and pay and discharge the same in the manner prescribed by law; they shall keep, in a book to be provided for that purpose, full accounts of all their acts and proceedings, and an account shall be kept shewing in detail, the receipts, loans and disbursements of said fund, and all other funds committed to their charge or under their direction and management; separate books shall be kept for that purpose; entries shall be made of the receipts of dividends on the state stock in bank, and on account of each stockholder that is required to be paid to said board; and after the payment of the interest due on the loan of any such stockholder to the state, out of said dividends, or otherwise, the residue of such dividends shall be applied to the payment of his loan, and shall be credited on his bond and mortgage by said board; and when said bond and mortgage shall be satisfied by said dividends or otherwise, the same shall be cancelled, and the bank dividends on the stock of such stockholder shall not thereafter be paid to said board, but to the owner of the stock.

Books for transfer of stock.

Sec. 76. The president and directors of the state bank may empower any of the branches at their own expense, to open books for the transfer of their stock in any of the cities of the United States, and any such branch may authorize transfers of any

portion of its stock without lien or restriction, on which the state has no lien on said books.

Branches may contract with fund com. for receipt and disbursement of public deposites.

Sec. 77. Any branch or branches shall have power to contract with the board of fund commissioners for the receipt and disbursement of any deposite of public funds by the state, and for the interest to be paid thereon, subject to the approval of the board of directors of the state bank.

Not to purchase notes at greater discount than seven per cent.

Sec. 78. It shall not be lawful for the bank or any branch thereof, to buy at a greater rate of discount than seven per cent per annum, any promissory note or inland bill of exchange.

Not to do banking business after 1860

Sec. 79. It shall not be lawful for such bank or any branch thereof, after the first day of January, eighteen hundred and sixty, to discount, loan money or do any other banking business, and all the powers herein conferred shall cease, except those incidental and necessary to collect and close up its business.

Faith of state pledged.

Sec. 80. The faith of the state is hereby pledged for the ultimate redemption of all bills issued by said bank and branches, and for the payment of all debts not satisfied by the bank, in case of insolvency, or insufficiency to meet its debts.

Act may be repealed by a two-third vote.

Sec. 81. This act may at any time be altered or repealed by a vote of two-thirds of each house of the legislature, together with the approbation of the governor: *Provided*, That no amendment shall be made that would authorize said bank or branches to refuse to pay specie for its notes, bills or obligations, or for any moneys received on deposite, or that would lessen the public security.

Public act.

Sec. 82. This act shall be taken and received in all courts, and by all judges, magistrates and other persons, as a public act, and all printed copies of the same which shall be printed by or under the authority of the legislature, shall be admitted as good evidence thereof, without any other proof whatever.

When directors of state bank may choose president.

Sec. 83. The directors of the state bank shall not choose a president whose compensation as such shall commence until the loan or loans for the state as herein contemplated shall have been made, but they may choose one of their own number to act as president pro tem; and if said bank and some of its branches shall not organize as herein provided, before the first day of February next, then this act shall be null and void.

Time for bank to organize limited.

Act not to be construed to give bank claim to public deposites.

Sec. 84. Nothing contained in this act shall be so construed as to give said bank or branches any claim to the use of any of the funds or public deposites of this state, except by consent of the fund commissioners, and upon such terms as may be agreed upon; but all such funds or deposites therein shall be paid over upon the order of said commissioners or of the state treasurer, under the direction of the legislature.

Directors chosen by legislature not to hold stock in branches.

Sec. 85. No director of the state bank elected by the legislature, shall be entitled to hold or purchase any stock in any of the branches hereby established, while he holds the office of director.

When governor may appoint directors to fill vacancy.

Sec. 86. Whenever the state directors shall be removed from office, as provided in the eleventh section of this act, the governor, for the time being, shall forthwith appoint others to hold their office until their places are supplied by others appointed by the legislature.

Duty of circuit courts to give this act in charge of grand jurors.

Sec. 87. The grand jurors of the several counties of this state at the several terms of the circuit courts to be held in their respective counties, shall make strict enquiry and present every person who may be by them found to have committed any act herein declared criminal; and it shall further be the duty of the presiding judge at any of the circuit courts aforesaid, to give this act specially in charge to the grand jurors.

Act take effect.

Sec. 88. This act shall be in force from and after its passage.

Approved April 2, 1839.

[No. 38.]

An Act to alter the name of the township of Dunham, and to legalize certain acts therein.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the name of the township of Dunham, in the county of Lapeer, shall be and the same is hereby altered to Dryden, and all acts done in said township under the name of Durham, shall be as good and valid in law as they would have been had that been the name of said township.

Sec. 2. This act shall take effect on the passage thereof.

Approved April 3, 1839.

[No. 39.]

An Act to provide for the removal of the seat of justice of the county of Hillsdale, from the village of Jonesville to the village of Hillsdale.

Seat of justice to be a village of Hillsdale, after first Jan. 1841.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the first Monday of January, in the year of our Lord one thousand eight hundred and forty-one, the county seat of the county of Hillsdale shall be removed from the village of Jonesville in said county, and re-established in the village of Hillsdale in said county, upon such land in the said village of Hillsdale as shall be deeded to the county for that purpose: *Provided*, The quantity of land so conveyed shall not be less than one acre, to be located under the direction of a majority of the county commissioners, who are hereby required to make such location and fix the site for such county seat in said village of Hillsdale, in the month of January next, or as soon thereafter as may be, and to take a deed of the land aforesaid to them and their successors in office, for the uses and purposes of the county of Hillsdale, and shall have the said deed recorded in the office of the county register in said county: *And provided also*, That the title of the said land to be conveyed as aforesaid, shall be good, absolute and indefeasible, and the premises free from all legal encumbrance.

Approved April 3, 1839.

[No. 40.]

An Act to provide for the collection of certain unpaid taxes in the township of Monguagon, in Wayne county.

Time extended for collecting taxes of '37, to the first day of July.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the collector of the township of Monguagon, elected in April, eighteen hundred and thirty-nine, or such other person as the township board may appoint for that purpose, be and is hereby authorized and empowered to collect all the unpaid state, county or township taxes assessed and levied in said township for the year eighteen hundred and thirty-seven, and for the purpose of collecting said taxes, shall be vested with

the money due to the state, then the said secretary of state, and auditor general, and Andrew G. Hammond, shall make arrangements for the payment thereof by instalments or otherwise, and for taking sufficient security therefor, and shall thereupon make report to the present legislature in the premises at their earliest convenient time, for the approval, rejection, or modification, by said legislature, in its discretion.

Sec. 3. This act is to take effect from and after its passage.

Approved April 10, 1839.

[No. 45.]

An Act making special appropriations, and for other purposes.

For pay of legislature.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and hereby is appropriated out of any moneys in the state treasury not otherwise appropriated, a sum not exceeding thirty-five thousand dollars, for the pay, in part, of the members and officers of the senate and house of representatives of this state, and to defray the incidental expenses of the present legislature.

Members to be paid on certificate of president of senate, or speaker of house.

Sec. 2. That out of the appropriations in the first section of this act made, there shall be paid by the treasurer of this state to each member and officer of this legislature, such sum as shall be due to him from time to time, upon the certificate of the president or speaker of the house of representatives, as the case may be, countersigned by the auditor general of this state; and further, that out of said appropriations there shall be paid from time to time such sum or sums for the incidental expenses of this legislature, as upon the certificate of the president of the senate and speaker of the house of representatives, shall be required.

Sec. 3. That the provisions of this act be in force from and after its passage, any law to the contrary notwithstanding.

Approved April 10, 1839.

academy and teachers' seminary," and by that name to remain in perpetual succession, with full powers to sue and be sued; to acquire, hold and convey property, real and personal; to have and to use a common seal, to alter and renew the same at pleasure; to make and to alter from time to time such by-laws as they may deem necessary for the government of said institution, its officers and servants: *Provided*, such by-laws are not inconsistent with the constitution of this state or of the United States.

To be located in the township of Grass Lake.

Sec. 2. The said academy shall be located in the township of Grass Lake, in the county of Jackson, and shall be erected on a plan sufficiently extensive to afford instruction in the liberal arts and sciences, and in the languages, as opportunity and ability may hereafter admit or the trustees direct.

Trustees to appoint officers, &c. May expel members, prescribe studies and fill vacancies.

Sec. 3. The board of trustees shall from time to time appoint such officers and instructors, and also such servants of the institution as may be necessary, and shall have power to displace any or each of them for good and sufficient reasons. They may also have power to expel any of their own members for dishonorable and improper conduct, whenever two-thirds of the board at any regular meeting shall concur in such decision. The board may also prescribe the course of studies to be pursued in said institution or its departments. They shall also have power to fill all vacancies in said board that may happen by death or otherwise.

Board to consist of fifteen; seven a quorum; first and subsequent meetings of.

Sec. 4. The board of trustees shall consist of fifteen members, any seven of whom may constitute a quorum for doing business; and said board of trustees shall hold their first meeting at Grass Lake Centre, on the first Monday of May, one thousand eight hundred and thirty-nine, and afterwards on their own appointments; but in any emergency, the president of the board, with advice of two trustees, may call a special meeting of the board, or any five members may call such meeting, by giving notice to each member at least ten days before the time of said meeting.

Funds, how to be applied; not to exceed twenty thousand dollars.

Sec. 5. The board of trustees shall faithfully apply all funds collected or received by them, according to their best judgment, in erecting suitable buildings, supporting instructors, in procuring books and apparatus, and whatever may, in their judgment, be best fitted to promote the best success of the institution; but said corporation shall not, under any circumstances, be permitted to issue any note, bill or other negotiable paper or obligation for the

payment of money: *Provided*, That in case any bequest or donation shall be made for a particular purpose, accordant to the design of this institution, and the corporation shall accept and receive the same, it shall be applied in conformity to the conditions or design expressed by the donor: *Provided further*, That the property to be held by the institution shall not, at any one time, exceed the sum of twenty thousand dollars.

Treasurer to give bonds; service of process on corporation.

Sec. 6. The treasurer of this institution shall always, and all other agents when required, before entering on the duties of their appointment, give bonds for the security of the corporation and the public, in such penal sums and with such securities as the board of trustees shall approve; and all process against the corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer of the institution.

Subject to examination of board of visiters.

Sec. 7. The institution hereby incorporated, shall always be subject to the examination or inspection of a board of visiters, or of any officers appointed or authorized by the legislature.

Amendment or repeal of act.

Sec. 8. The legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each house.

Approved April 4, 1839.

[No. 42.]

AN ACT to amend an act entitled "An act to incorporate the Port Sheldon and Grand Rapids railroad company."

Borrow money.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the president and directors of the Port Sheldon and Grand Rapids railroad company shall have power to borrow money to enable them to finish the works of the company, and to give mortgages, certificates or bonds for the payment thereof, the same to be convertible or not convertible into stock, as may be deemed expedient.

Time to construct road in, extended.

Sec. 2. That the time allowed by the fourth section of the act to which this act is amendatory, to construct, finish and put in operation, ten miles in distance of said road, be hereby extended to five years from the passage of this act; and that the time allowed for completing and putting in operation the whole of said

railroad, be hereby extended to the period of eight years from and after the passage of this act.

Not to carry on banking.

Sec. 3. This act shall not be construed so as to authorize the aforesaid company to carry on banking business, or to issue and put in circulation any paper intended as a circulating medium.

Jurors to assess damages.

Sec. 4. *Be it further enacted*, That so much of the twelfth section of the act to which this is amendatory, as relates to the summoning of twelve jurors for the purpose of assessing the damages arising from the construction of said railroad, be and the same is hereby repealed, and that eighteen jurors be substituted in lieu thereof.

Examination may be made into sufficiency and safety of road, &c.

Sec. 5. *And be it further enacted*, That any stockholder in said corporation, or the district attorney of any county through or over any part of which said railroad may pass, may at any and at all reasonable times, cause an examination at the expense of said corporation to be made into the sufficiency, security and safety of the railroad when constructed, and of the machinery and cars used thereon, to the end that if the same should be found to be unsound or insecure, or in any wise dangerous to the safety of persons or property conveyed on said road, the conveyance of persons and property thereon may be thenceforward stopped, until by adequate repairs or new machinery, or otherwise, the dangers of such evils may be obviated. And the better to give effect to the purposes intended by the aforesaid examination, it shall be the duty of the circuit court of the proper county to appoint, as often as may be necessary, one or more competent persons, whose duty it shall be, under the direction of such court or of such commissioners, (as the case may be) to make examination of the premises; and if such person or persons should find that by reason of any defect or insufficiency in said railroad, or in the machinery used thereon, there should be danger of injury to the lives of persons, or property conveyed on said railroad, then and from the time of such finding, neither persons or property shall be conveyed or transported on said railroad, until the same or said machinery shall be reconstructed, repaired or renewed as aforesaid; and if any of the agents of said corporation or other person shall offend herein, after notice in the premises, he shall be deemed guilty of misdemeanor, and shall be subject to indictment, and shall be punished, on conviction, by fine not exceeding one thousand dollars, and imprisonment not exceeding twelve months, at the discretion of the

court having jurisdiction: *Provided, nevertheless,* That operations on said railroad may again recommence after such view and finding, as soon as the danger aforementioned shall have been removed and obviated, of which the certificate of the persons appointed as aforesaid, or of any other competent person to be appointed as aforesaid, that such danger no longer exists, and that by repairs, new construction, new machinery, or otherwise, the defect previously existing has been fully remedied, shall be sufficient evidence; and all certificates made in the premises shall be filed in the circuit court of the proper county and duly preserved by the clerk thereof.

Act take effect.

Sec. 6. This act shall take effect from and after its passage.

Approved April 10, 1839.

[No. 43.]

An Act to provide for the collection of demands against boats and vessels.

For what demands boat or vessel liable.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That every boat or vessel used in navigating the waters of this state shall be liable:

First. For all debts contracted by the master, owner, agent, or consignee thereof, on account of supplies furnished for the use of such boat or vessel; on account of work done, or services rendered on board such boat or vessel; on account of labor done or materials furnished by mechanics, tradesmen or others, in and for the building, repairing, fitting out, furnishing or equipping such boat or vessel.

Second. For all sums due for the wharfage or anchorage of such boat or vessel within this state.

Third. For all demands or damages accruing from the non-performance of any contract of affreightment, or of any contract touching the transportation of persons or property, entered into by the master, owner, agent or consignee of the boat or vessel, on which such contract is to be performed.

Fourth. For all injuries done to persons or property by such boat or vessel, in all instances where the same is shown to have occurred through the negligence or misconduct of the master or hands thereon employed.

See Delaware & Hudson Co. v. Albany & Susq. R. R. Co., 1883, vol. 1, p. 130 [illegible] 1838 page 405-

Suit may be instituted against vessel, by its name.

Sec. 2. Any person having a demand as aforesaid, instead of proceeding for the recovery thereof against the master, owner or consignee of a boat or vessel, may, at his option, institute suit against such boat or vessel by name.

Complaint to be filed.

Sec. 3. Any plaintiff wishing to institute suit against a boat or vessel, shall file his complaint against such boat or vessel by name, with the clerk of the circuit court of the county in which such boat or vessel may be.

What to set forth, to be verified by affidavit.

Sec. 4. The complaint shall set forth the particulars of the plaintiff's demand, and on whose account the same accrued; it shall be verified by the affidavit of the plaintiff, or of some other credible person or persons for him, and shall stand in lieu of a declaration.

Clerk to issue attachment thereon against vessel.

Sec. 5. Whenever any complaint as aforesaid shall be filed in the office of the clerk of the circuit court, it shall be the duty of said clerk to issue an attachment returnable forthwith, directing and authorizing the sheriff, or other proper officer, to seize the boat or vessel mentioned in the complaint, and detain the same in his custody, together with its tackle, apparel and furniture, until discharged by due course of law.

Proceedings on return of attachment.

Sec. 6. Upon the return of any attachment issued by virtue of the preceding section, proceedings shall thereupon be had in the circuit court against the boat or vessel sued, in the same manner, as near as may be, as if suit had been instituted by summons against the person on whose account the demand accrued.

Who may defend suit.

Sec. 7. The master, owner, agent or consignee of the boat or vessel, may appear in behalf of such boat or vessel, and plead to the action and defend the same.

Court may make rules regulating pleadings, &c.

Sec. 8. The circuit court may by rule prescribe the time and manner of pleading, of exhibiting or filing any papers, or taking any needful steps in any suit commenced under this act, where the time and manner of doing the same are not prescribed by law.

When boat to be discharged on owner giving bond to plaintiff.

Sec. 9. If the master, owner, agent, or consignee shall, before final judgment in any suit instituted by virtue of this act, give bond to the plaintiff with sufficient security to be approved of by the court, or one of the judges, or clerk thereof in vacation, conditioned to satisfy the amount which shall be adjudged to be owing and due to the plaintiff, together with all the costs accruing, and file the same with the clerk of the court, such boat or vessel,

Amended Comp. 1844 as to giving notice to Comp. 427

with the tackle, apparel, and furniture belonging thereto, shall thereupon be discharged from further detention by the sheriff, or other officer having custody of the same.

Court to make order directing vessel to be sold to pay judgment.

Sec. 10. If judgment shall be rendered against any boat or vessel, in favor of the plaintiff, the court shall make an order, directed to the sheriff, or other officer, commanding him to sell such boat or vessel, together with its tackle, apparel and furniture, to satisfy the judgment, and all costs which may have accrued in the cause; which order shall be executed and returned in the same manner as executions.

When execution to issue against principal and surety in bond.

Sec. 11. If bond and security shall have been entered into, according to the provisions of the ninth section of this act, and judgment shall have been rendered in favor of the plaintiff, execution shall be issued for the amount of judgment and costs in favor of the plaintiff, against the principal and security in such bond.

When justices of peace to have cognizance of cases under this act.

Sec. 12. Justices of the peace, within their respective counties, shall have cognizance of all cases arising under this act, wherein the demand claimed shall not exceed one hundred dollars.

Their proceedings.

Sec. 13. In all their proceedings, justices of the peace shall conform to the provisions of the law governing justices courts, and as near as may be, to the provisions of this act, as applying to the circuit courts.

On return of attachment to try cause.

Sec. 14. Each attachment issued by a justice of the peace, under this act, shall be returnable forthwith, and upon the return thereof, it shall be the duty of the justice of the peace to hear and determine the complaint of the plaintiff in a summary manner.

How attachment to be served.

Sec. 15. The officer to whom such attachment is directed, shall serve the same by going to the place where the boat or vessel named in the complaint shall be, and there, in the presence of two disinterested persons, declare, that, by virtue of such attachment, he attaches such boat or vessel, and he shall state, in his return on the attachment, the names of the two persons present, and the time when the same was served.

Officer to sell such part of vessel as is necessary to satisfy judgment.

Sec. 16. Whenever an order shall be made for the sale of a boat or vessel, with its tackle, apparel and furniture, the sheriff or constable or other officer, shall have power to sell such part thereof, or such interest therein, as shall be necessary to satisfy the amount of the judgment rendered in favor of the plaintiff and all the costs that have accrued.

be, in which or before whom such suit was brought, as specified in the third and fourth sections of this act, and upon such application being made, if a warrant is not issued as herein provided, such imprisoned person shall be entitled to be discharged from such imprisonment; and if such warrant be granted, the same proceedings shall be had thereon, as hereinbefore provided, and he removal of the defendant from any jail in which he may be mprisoned, by any warrant in such proceedings, shall not be leemed an escape.

To have benefit of insolvent laws.

Sec. 18. Every person imprisoned and detained by virtue of he last preceding section, may have the benefit of the several nsolvent laws of this state, as provided respectively by chapters econd, third and fourth of title seventh of part third of the revised tatutes, by complying with the several provisions of said chapters econd, third and fourth of title seventh of part third of the revised tatutes, as the case may be.

Act not to apply to property exempt from execution.

Sec. 19. Whenever in this act, the removal, concealment, or isposal of any property is declared to be the ground of any complaint or proceeding, and where any bond is required in reference to such concealment, removal or disposal, the same shall not be deemed to apply to any property which shall be expressly exempted by statute from levy and sale under execution.

Amount to be recovered on forfeited bond given under act.

Sec. 20. Whenever a bond given under the tenth section of this act shall become forfeited by the non-performance of the condition thereof, the plaintiff shall be entitled to recover thereon the amount due to him, on the judgment obtained in the original suit instituted against the defendant giving such bond.

Removing, secreting or conveying property to defraud creditors.

Sec. 21. Any person who shall remove any of his property out of any county with intent to prevent the same from being levied upon by an execution, or who shall secrete, assign, convey or otherwise dispose of any of his property, with intent to defraud any creditor, or to prevent such property from being made liable or the payment of his debts, and any person who shall receive uch property, with such intent, shall, on conviction, be deemed uilty of a misdemeanor.

On conviction thereof, court to appoint assignee to take charge of estate, &c.

Sec. 22. Whenever any person, who shall remove any of his roperty out of any county, with intent to prevent the same from eing levied upon by any execution, or who shall secrete, assign, onvey or otherwise dispose of any of his property, with intent to

the money due to the state, then the said secretary of state, and auditor general, and Andrew G. Hammond, shall make arrangements for the payment thereof by instalments or otherwise, and for taking sufficient security therefor, and shall thereupon make report to the present legislature in the premises at their earliest convenient time, for the approval, rejection, or modification, by said legislature, in its discretion.

Sec. 3. This act is to take effect from and after its passage.

Approved April 10, 1839.

[No. 45.]

An Act making special appropriations, and for other purposes.

For pay of legislature.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there be and hereby is appropriated out of any moneys in the state treasury not otherwise appropriated, a sum not exceeding thirty-five thousand dollars, for the pay, in part, of the members and officers of the senate and house of representatives of this state, and to defray the incidental expenses of the present legislature.

Members to be paid on certificate of president of senate, or speaker of house.

Sec. 2. That out of the appropriations in the first section of this act made, there shall be paid by the treasurer of this state to each member and officer of this legislature, such sum as shall be due to him from time to time, upon the certificate of the president or speaker of the house of representatives, as the case may be, countersigned by the auditor general of this state; and further, that out of said appropriations there shall be paid from time to time such sum or sums for the incidental expenses of this legislature, as upon the certificate of the president of the senate and speaker of the house of representatives, shall be required.

Sec. 3. That the provisions of this act be in force from and after its passage, any law to the contrary notwithstanding.

Approved April 10, 1839.

[No. 46.]

An Act to legalize elections in Ottawa county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the elections held in the several townships in the county of Ottawa for county officers, on the first Monday and Tuesday of November, A. D. eighteen hundred and thirty-eight, shall be considered, and are hereby made as valid in law as if the returns had been duly made, and the votes canvassed according to the provisions of the revised statutes.

Approved April 10, 1839.

[No. 47.]

An Act to provide for the disposition of prisoners apprehended within the county of Shiawassee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever any person charged with the commission of any offence, or who may have been sentenced to suffer imprisonment upon conviction, shall be in custody of any proper officer of the county of Shiawassee, such officer shall forthwith convey the prisoner or prisoners in his custody as aforesaid to the sheriff or keeper of the Oakland county jail. To be imprisoned in Oakland county.

Sec. 2. It shall be the duty of the sheriff or keeper of the prison of the said county of Oakland, on being presented with a copy of the process or commitment of such prisoner, to receive such prisoner into his custody, and he shall be liable for any neglect of duty in relation to such prisoner or prisoners as in other cases, and shall be paid the fees and other expenses allowed by law out of the treasury of the county of Shiawassee aforesaid. Sheriff of Oakland to receive prisoners.

Sec. 3. Whenever any person charged with the commission of any offence, shall have been delivered for safe keeping as aforesaid, such person shall be delivered to the sheriff or other proper officer of the county of Shiawassee: *Provided*, Such officer shall present to the sheriff or keeper of the prison an order from the Re-deliver them to sheriff of Shiawassee.

court before whom such prisoner is to be tried, requesting such delivery.

Act take effect.

Sec. 4. This act shall take effect from its passage and remain in force for the space of three years, unless sooner repealed.

Approved April 10, 1839.

[No. 48.]

An Act to abolish imprisonment for debt, and to punish fraudulent debtors.

No person to be imprisoned on process founded on contract.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That no person shall be arrested or imprisoned on any civil process issuing out of any court of law or justices' court, or on any execution issuing out of any court of equity, in any suit or proceeding instituted for the recovery of any money due upon any judgment or decree founded upon contract or due upon any contract express or implied, or for the recovery of any damages for the non-performance of any contract.

Exceptions.

Sec. 2. The preceding section shall not extend to proceedings as for contempt to enforce civil remedies, nor to actions for fines and penalties, or on promises to marry, or for moneys collected by any public officer, or for any misconduct or neglect in office, or in any professional employment.

When and to whom plaintiff may apply in such cases for warrant against def't.

Sec. 3. In all cases where, by the preceding provisions of this act, a defendant cannot be arrested or imprisoned, it shall be lawful for the plaintiff who shall have commenced a suit against such defendant, or shall have obtained a judgment or decree against him in any court of record, or justices' court, to apply to any judge of the court in which suit is brought, or to any justice of the peace, before whom such suit has been commenced, or such judgment has been obtained, or the justice of the peace before whom such proceedings may have been transferred, for a warrant to arrest the defendant in such suit.

When warrant to be granted.

Sec. 4. No such warrant shall issue unless satisfactory evidence be adduced to such officer, by the affidavit of the plaintiff or of some other person or persons, that there is a debt or demand due to the plaintiff from the defendant, and specifying the nature and amount thereof, as near as may be, for which the defendant, accord-

Notice to Owners required by the act of 1844 page 67

ing to the provisions of this act, cannot be arrested or imprisoned, and establishing one or more of the following particulars:

First. That the defendant is about to remove any of his property out of the jurisdiction of the court in which suit is brought, with intent to defraud his creditor or creditors: or

Second. That the defendant has property or rights in action, or some interest in any public or corporate stock, money, or evidence of debt, which he unjustly refuses to apply to the payment of such judgment or decree which shall have been rendered against him: or

Third. That he has assigned, removed or disposed of or is about to dispose of any of his property, or rights in action, with the intent to defraud his creditor or creditors: or

Fourth. That the defendant fraudulently contracted the debt, or incurred the obligation respecting which suit is brought.

Security to be given before warrant issues; to whom to be directed; what it must set forth; to be accompanied with affidavit, &c.

Sec. 5. Upon such proof being made to the satisfaction of the officer to whom the application shall be addressed, and upon security being given to the satisfaction of said officer for the costs of said proceedings, by such complainant, the said officer shall issue a warrant in behalf of the people of this state, directed to any sheriff, constable or marshal within the county where such officer shall reside, therein briefly setting forth the complaint, and commanding the officer to whom the same shall be directed, to arrest the person named in such warrant and bring him before such officer without delay; which warrant shall be accompanied by a copy of all affidavits presented to such officer, upon which the warrant issued, which shall be certified by such officer, and shall be delivered to the defendant at the time of serving the warrant by the officer serving the same.

Duty of officer on warrant.

Sec. 6. The officer to whom such warrant shall be delivered shall execute the same, by arresting the person named therein and bringing him before the officer issuing such warrant, or in case of his absence or inability, to the nearest justice of the peace or magistrate having jurisdiction in the case, and shall keep him in custody, until he shall be duly discharged, or committed, as hereinafter provided.

Defendant may controvert facts on which warrant was issued, &c.

Sec. 7. On the appearance of the person so arrested, before an officer, as provided in the foregoing section, he may controvert any of the facts and circumstances on which such warrant issued, and may, at his option, verify his allegation by his own affidavit,

and in case of his so verifying the same, the complainant may examine such defendant on oath or affirmation, as the case may be, touching any fact or circumstance material to the inquiry, and the answers of the defendant on such examination shall be reduced to writing and subscribed by him, and the officer conducting such inquiry shall also receive such other proof as the parties may offer, either at the time of such first appearance, or at such other times as such hearing shall be adjourned to; and in case of such adjournment, such officer shall take a recognizance, with or without surety, at his discretion, from the defendant, for his appearance at the adjourned hearing.

Magistrate may compel attendance of witnesses, &c.

Sec. 8. The justice of the peace or judge conducting such inquiry shall have the same authority to issue subpœnas for witnesses, and shall have the same power to enforce obedience to such subpœnas, and to punish witnesses refusing to testify, which is now conferred by law in civil cases, in the courts respectively, in which such proceeding originated, and witnesses wilfully disobeying such subpœna, shall be liable to the same penalties as are now prescribed by law in civil proceedings in the said respective courts.

When defendant may be committed to prison.

Sec. 9. If such officer is satisfied that the allegations of the complainant are substantiated, and that the defendant has done, or is about to do any one of the acts specified in the fourth section of this act, he shall, by a commitment under his hand, direct that such defendant be committed to the jail of the county in which such hearing shall be had, to be there detained until he shall be discharged according to law, and such defendant, shall be committed and detained accordingly.

Commitment not to be granted in certain cases.

Sec. 10. Such commitment shall not be granted if the defendant shall either,

First. Pay the debt or demand claimed, with the costs of the suit and proceedings against him: or

Second. Give security to the satisfaction of the officer before whom the hearing shall be had, that the debt or demand of the plaintiff, with interest, with the costs of the suit and proceedings aforesaid, shall be paid within three months, if the debt or damage shall not exceed twenty-five dollars; within six months, if such debt or damage shall be more than twenty-five dollars, and not exceeding fifty dollars; within nine months, if such debt or damage shall be more than fifty dollars, and not exceeding seventy-five dollars;

within twelve months, if such debt or damage shall be more than seventy-five dollars, and not exceeding one hundred dollars; and within fifteen months, if such debt or damage shall exceed one hundred dollars: or

Third. Enter into a bond to the complainant in a penalty not less than twice the amount of the debt or demand claimed, with such surety or sureties as shall be approved by such officer, conditioned that such defendant will, within thirty days, apply for an assignment of all his property and for a discharge, as provided in the fourth chapter of title seventh, part third, of the revised statutes, and diligently prosecute the same until he obtains such discharge: or

Fourth. If such defendant shall give a bond to such plaintiff, in the penalty and with the sureties above prescribed, conditioned that he will not remove any property, which he then has, out of the jurisdiction of the court in which such suit is brought, with the intent to defraud any of his creditors, and that he will not assign or dispose of any such property with such intent, or with a view to give a preference to any creditor for any debt antecedent to such assignment or disposition, until the demand of the plaintiff, with the costs, shall be satisfied, or until the expiration of three months after a final judgment shall be rendered in the suit brought for the recovery of such demand.

When and how defendant to be discharged from imprisonment.

Sec. 11. Any defendant committed as above provided, shall remain in custody in the same manner as other prisoners in criminal process, until a final judgment shall have been rendered in his favor, in the suit prosecuted by the creditor, at whose instance such defendant shall have been committed, or until he shall have assigned his property, and obtained his discharge agreeably to the provisions of either the second, third, or fourth chapters of title seventh, part third of the revised statutes; but such defendant may be discharged by the officer committing him, on such defendant paying the debt or demand claimed, or giving security for the payment thereof, as provided in the tenth section of this act, or on his executing either of the bonds mentioned in the said section.

Provisions of chapter 2, title seven, part 3, revised statutes, extended to prisoner. (R. S. p. 585.)

Sec. 12. The provisions of the second chapter of title seventh of part third of the revised statutes, are hereby extended to and made applicable to any person committed as above provided, who shall represent to the jailer the [that] he is unable to pay the

debt or damage claimed in the suit prosecuted by the creditor, at whose instance such defendant shall have been committed, and is desirous to take the benefit of the provisions of the said chapter.

Defendant may present petition

Sec. 13. Any person committed as above provided, or who shall have given the bond specified in the third subdivision of the tenth section of this act, or against whom any suit shall have been commenced in a court of record or justices' court in which such person, by the provisions of this act, cannot be arrested or imprisoned, may present a petition to either of the officers mentioned in the sixth section of chapter third of title seventh of part third of the revised statutes, praying that his property may be assigned, and that he may have the benefit of the provisions of the third or fourth chapters of title seventh, part third of the revised statutes, as the case may be.

Proceedings thereon.

Sec. 14. On presenting such petition, the same proceedings shall be had thereon as is provided respectively by the said chapters third and fourth of title seventh, part third of the revised statutes, and with the like effect, so far as the same are not inconsistent with the provisions of this act.

Fees to officers, &c.

Sec. 15. The fees and compensation of all officers and witnesses performing duties under this act, shall be the same as are or may be provided by law in criminal cases.

When to be paid by complainant.

Sec. 16. Whenever any complaint shall be made under the third, fourth, and fifth sections of this act, and the same shall be dismissed, the party making the same may be liable for all the fees to officers, and for all legal costs and expenses which the defendant shall have incurred.

How persons imprisoned at time act takes effect, to avail themselves of its provisions.

Sec. 17. Every person imprisoned on civil process, at the time of this act taking effect as a law, in any case where by the preceding provisions of this act such person shall not be arrested or imprisoned, may at any time after the taking effect of this act, give the plaintiff, his agent or attorney, ten days notice of the existence of this act, which notice the jailer shall cause to be served, if the plaintiff, his agent or attorney be within the county in which the defendant is imprisoned, and if not, then by publication in the nearest public newspaper, which publication shall be taken and considered to be full notice to such creditor; and unless the creditor at whose suit such person shall be imprisoned, shall within the time aforesaid, make application and complaint to some judge of the court, or to the justice of the peace, as the case may

be, in which or before whom such suit was brought, as specified in the third and fourth sections of this act, and upon such application being made, if a warrant is not issued as herein provided, such imprisoned person shall be entitled to be discharged from such imprisonment; and if such warrant be granted, the same proceedings shall be had thereon, as hereinbefore provided, and the removal of the defendant from any jail in which he may be imprisoned, by any warrant in such proceedings, shall not be deemed an escape.

To have benefit of insolvent laws.

Sec. 18. Every person imprisoned and detained by virtue of the last preceding section, may have the benefit of the several insolvent laws of this state, as provided respectively by chapters second, third and fourth of title seventh of part third of the revised statutes, by complying with the several provisions of said chapters second, third and fourth of title seventh of part third of the revised statutes, as the case may be.

Act not to apply to property exempt from execution.

Sec. 19. Whenever in this act, the removal, concealment, or disposal of any property is declared to be the ground of any complaint or proceeding, and where any bond is required in reference to such concealment, removal or disposal, the same shall not be deemed to apply to any property which shall be expressly exempted by statute from levy and sale under execution.

Amount to be recovered on forfeited bond given under act.

Sec. 20. Whenever a bond given under the tenth section of this act shall become forfeited by the non-performance of the condition thereof, the plaintiff shall be entitled to recover thereon the amount due to him, on the judgment obtained in the original suit instituted against the defendant giving such bond.

Removing, secreting or conveying property to defraud creditors.

Sec. 21. Any person who shall remove any of his property out of any county with intent to prevent the same from being levied upon by an execution, or who shall secrete, assign, convey or otherwise dispose of any of his property, with intent to defraud any creditor, or to prevent such property from being made liable for the payment of his debts, and any person who shall receive such property, with such intent, shall, on conviction, be deemed guilty of a misdemeanor.

On conviction thereof, court to appoint assignee to take charge of estate, &c.

Sec. 22. Whenever any person, who shall remove any of his property out of any county, with intent to prevent the same from being levied upon by any execution, or who shall secrete, assign, convey or otherwise dispose of any of his property, with intent to

defraud any creditor, or to prevent such property from being made liable for the payment of his debts, shall have been convicted of a misdemeanor, under the last preceding section of this act, the court shall appoint an assignee to take charge of the estate of such person for the benefit of his creditors, and such appointment shall vest in such assignee all the property of such person so convicted as is provided by the twenty-third section of chapter third of title seventh of part third of the revised statutes: *Provided*, Such person shall not previously thereto, have availed himself of the provisions of the twelfth, thirteenth, or fourteenth sections of this act; and if the said assignee shall suspect that the person so convicted has concealed about his person or otherwise, money or evidences of debt, upon making oath or affirmation of the same before any judge of the circuit court of the county where such person shall be so convicted, and on such judge being satisfied that such suspicions are well founded, he may have a warrant, authorizing and commanding any sheriff or constable to search the person of such defendant, and any place occupied by him, or any trunk or other article owned or possessed by him, for such money or evidences, and to deliver what shall be so discovered to said assignee.

Duty of officers in case of misdemeano or perjury.

Sec. 23. When it shall appear to any officer authorized to entertain any proceedings under this act, that any misdemeanor or perjury has been committed by any party or witness, it shall be his duty to take the measures prescribed by law, to cause the offender to appear at the proper court having jurisdiction of the offence, to answer for the same.

Not excused from answering bill in equity, or as a witness.

Sec. 24. No person shall be excused from answering any bill in equity, seeking a discovery in relation to any fraud, prohibited by this act, or from answering as a witness in relation to any such fraud, but no such answer shall be used in evidence in any other civil suit.

Habeas corpus and certiorari, (R. S. 514, 521.)

Sec. 25. Any person imprisoned on any process issued out of any court, who shall be entitled to be discharged from such imprisonment, under the provisions of this act, may bring a writ of habeas corpus or certiorari, for that purpose, in the manner prescribed in the third and fourth chapters of title fourth, part third of the revised statutes.

Ib.

Sec. 26. Any person imprisoned under any of the provisions of this act, shall be entitled to the benefit of the writs of habeas

corpus and certiorari, in the manner provided in the third and fourth chapters of title fourth, part third of the revised statutes.

Repealing clause.

Sec. 27. All acts and parts of acts, whether contained in the revised statutes or elsewhere, inconsistent therewith, or in contravention of the provisions of this act, are hereby repealed.

Copies of act to be distributed.

Sec. 28. The secretary of state shall immediately cause a sufficient number of copies of this act to be printed by the state printer, to supply every justice of the peace in the state, and every town clerk and sheriff with a copy, which shall be transmitted by him to the clerks of the different counties, and by them distributed to the officers entitled thereto, the expense of which printing and transmission to the county clerks, in the manner provided by law for the printing and distribution of other laws.

Residents of foreign power.

Sec. 29. The provisions of this act shall not extend to residents of a foreign power who have contracted debts with residents of this state before this act takes effect, until the expiration of one year after the taking effect of this act.

Approved April 10, 1839.

[No. 49.]

An Act to amend chapter first, title tenth, part first of the Revised Statutes, "Of Religious Societies."

Male members of Protestant Episcopal church may incorporate themselves.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That it shall be lawful for any number of male persons of full age, professing attachment to the "Protestant Episcopal Church," at any time to meet for the purpose of incorporating themselves under this act, and by a majority of votes, to elect two church wardens, and not less than five nor more than nine vestrymen, who shall continue in office until the next first Monday after Easter, or until their successors are elected; of which first election, notice shall be given at least ten days previous thereto, in one of the public newspapers published in said place, [or if there be none,] by printed or written notices put up in some public place or places. At the time of said election, one of the said persons who shall have agreed to associate together for the purposes aforesaid, shall be called to preside at such first election: *Provided* there be no episcopal

clergyman officiating at such place: if so, he shall preside, or if absent, the person before mentioned, and shall receive the votes given by those who have associated together for the purposes aforesaid, and have signified the same by signing a written agreement for that purpose, prior to the public notice given of the election aforesaid. The presiding officer, with two other persons to be chosen by him, shall count the votes and declare the result of said election, and shall make a certificate under their hands and seals, of the church wardens and vestrymen so elected, and of the name or title by which said church or congregation shall be known in law; which certificate, being duly acknowledged or proved, by one or more of the subscribing witnesses, before the chancellor or one of the judges of the supreme court, or one of the judges of the circuit court of the county where such church or congregation shall be situated, shall be recorded by the clerk of such county, in a book to be by him provided for that purpose; and the church wardens and vestrymen so elected, and their successors in office, together with the rector of such church or congregation, whenever there shall be one, shall form a vestry of such church or congregation, and such vestry and their successors in office shall thereupon, by virtue of this act, be a body corporate, by the name or title expressed in such certificate.

To elect annually on first Monday after Easter, church wardens and vestrymen.

Sec. 2. And it shall be lawful for the male persons of full age of any church or congregation incorporated as aforesaid, and in communion with the protestant episcopal church or congregation for the last twelve months, and who shall have been baptized in the episcopal church, or shall have been received therein, either by the rite of confirmation or by receiving the holy communion, or by purchasing or renting a pew or seat in said church, to elect in every year thereafter, on the first Monday after Easter, such church wardens and vestrymen, of which notice shall be given in the time of divine service, the Sunday previous to said election; or if no service be held on that day, the said notice to be given in one of the public newspapers published in said place, or if there be none, by written and printed notices put up in some public place or places, at least five days preceding said election. At said election, the rector, or if there be none, or he be absent, one of the church wardens or vestrymen shall preside and receive the votes of the persons qualified as aforesaid, and be the returning officer, and shall enter the proceedings in the book of the minutes

of the vestry, and sign his name thereto, and offer the same to as many of the electors as he shall think fit, to be by them also signed and certified; and the church wardens and vestrymen shall hold their offices until the next first Monday after Easter, or until their successors be chosen, and shall have power to call a rector to such church or congregation, as often as there shall be a vacancy therein. Whenever any vacancy shall happen in said vestry before the stated annual election, by death or otherwise, the said vestry shall have power to supply such vacancy: *Provided, however*, that no meeting of such vestry shall be held unless previous notice thereof being [be] given by the rector, or if he be absent, by one of the church wardens; and the said vestry shall not be competent to transact any business unless the rector, if there be one, and a majority of the vestrymen be present, and such rector, if there be one, and if not, then the church warden present, or if both the church wardens be present, then the church warden who shall be called to the chair by a majority of voices, shall preside at every such meeting and have the casting vote.

All property conveyed in trust for society to be held by trustees elected by society.

Sec. 3. That all lands, tenements and hereditaments that have been or may be hereafter conveyed by devise, gift, grant, purchase or otherwise, to any persons as trustees in trust for the use of any religious society organize, or which may be hereafter organized, in connection with the methodist episcopal church within this state, either for a meeting house, burying-ground, or residence of a preacher, or otherwise, for the use of such society, shall descend with the improvements and appurtenances, in perpetual succession to and shall be held by such trustees in trust for said society, as shall from time to time be elected or appointed by any such religious society, according to the rules and regulations of such societies respectively: *Provided*, such rules and regulations do not contravene the provisions of the constitution of the United States or the constitution and laws of this state.

Trustees may defend and prosecute at law and in equity.

Sec. 4. The trustees for the time being of any religious society, shall have the same power to defend and prosecute suits at law or in equity, and do all other acts for the protection, improvement and preservation of said property, as individuals may do in relation to their individual property.

Property not to divest for want of trustees.

Sec. 5. That no such society shall be divested of its right, title and interest in any such lands, tenements and hereditaments, by reason of there being no trustees at any time duly elected or ap-

pointed; but the same shall remain the property of such society, and may be managed, controlled and descend according to the rules and directions of such societies respectively, by such trustees as shall from time to time be elected for that purpose.

Society to be subject to act to which this is an amendment.

Sec. 6 All churches or religious societies which may be organized under this act, and shall also be subject to the provisions of the act to which this is amendatory, so far forth as may be applicable and not inconsistent with the provisions of this act, and so much of the act to which this act is amendatory, and of all other acts as contravenes the provisions of this act, be and the same are hereby repealed.

Legislature may alter or repeal act.

Sec. 7. The legislature may, at any time hereafter, alter, amend or repeal this act.

Approved April 11, 1839.

[No. 50.]

An Act to incorporate the trustees of the Grand River theological seminary.

Trustees body politic; their powers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That from and after the passage of this act, Isaac Jennings, Thomas Blossem, John J. Shipherd, Josiah Yale, Erastus Ingersoll, Charles W. Gurney, Samuel Chadwick and E. P. Ingersoll, be and they are hereby constituted, ordained and declared to be a body corporate and politic, in fact and name, to be styled "The trustees of Grand River theological seminary;" that by that name, they and their successors, shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, of pleading and being impleaded, of answering and being answered, of defending and being defended in all courts of record whatever, and in all manner of suits, actions, complaints, matters and causes whatever; and that they and their successors may have a common seal, and change and alter the same at their pleasure; and that they and their successors, by the name of "The trustees of the Grand River theological seminary," shall be in law capable of acquiring and holding, by purchase, gift, grant, devise, bequest or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, for the use of said corporation; and that they and their successors shall have full

powers to make and enter into contracts; to make such rules and by-laws as they may deem necessary for the good government and success of said institution: *Provided*, That such by-laws are not inconsistent with the constitution and laws of the United States or of this state.

May erect buildings at Orion.

Sec. 2. Said trustees of Grand river theological seminary, shall have power to erect, in the village of Orion, in Eaton and in Clinton counties, (the county line running through the village,) such buildings as they may judge the interests of the institution shall at any time demand.

May increase their numbers to twelve; fill vacancies; appoint president

Sec. 3. That the several individuals named above as trustees, shall have power to increase their number to twelve; that they and their successors shall have power to fill all vacancies in their own body which may be occasioned by death, resignation or otherwise, to appoint a president of said seminary, who shall, ex-officio, be president of the board of trustees, and have the power of giving the casting vote in case of an equal division; and three trustees, together with the president, shall constitute a quorum for the transaction of business.

To faithfully apply funds.

Sec. 4. The board shall faithfully apply all funds in their possession in such a manner as, in their judgment, will most promote the interest of the institution.

Faculty.

Sec. 5. The president and several professors of the seminary shall constitute the faculty, who shall have power to govern the students and all the internal regulations of the institution.

Appointment of professors.

Sec. 6. All professors shall be appointed by the board of trustees with the concurrence of the faculty.

Process against corporation.

Sec. 7. All process against said corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the president of said seminary, or in his absence at his last usual place of abode, at least five days previous to the return day thereof.

Trustees to be divided into classes.

Sec. 8. At the first meeting of said trustees, they shall divide themselves into three classes of four members each, exclusive of the president; the term of office of the first class shall terminate at the end of the first year, the term of office of the second class shall terminate at the end of the second year, and the term of office of the third class shall terminate at the end of the third year, so that one third part of the trustees shall be chosen annually.

Act to be favorably construed.

Sec. 9. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act, and copies thereof printed by the authority of the state, shall be received as evidence thereof in all the courts of this state.

Legislature may repeal act.

Sec. 10. The legislature shall have power at any time to amend or repeal this act by a vote of two-thirds of both branches thereof.

Approved April 11, 1839.

[No. 51.]

An Act to incorporate the Marshall female seminary.

Body corporate and politic.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That from and after the passage of this act, Sidney Ketchum, Oliver C. Comstock, Azrah C. Robinson, Jabez S. Fitch, James P. Greves, Thompson S. Hollister, Samuel Buel, Daniel Hudson, and James W. Gordon, of the county of Calhoun, and their successors, be and they are hereby constituted, ordained and declared a body corporate and politic, under the name and style of "The Marshall female seminary;" that by that name, they and their successors shall and may have perpetual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended in all courts of record whatever, and in all manner of suits, actions, complaints, matters and causes whatever; and that they and their successors may have a common seal, and change and alter the same at their pleasure; and that they and their successors, by the name of the "Marshall female seminary," shall be in law capable of acquiring and holding by purchase, gift, grant, devise, bequest or otherwise, and of selling, conveying or leasing any estate, real, personal or mixed, for the use of said corporation; and that they and their successors shall have full power to make and enter into contracts; to make such rules and by-laws as they may deem necessary for the good government and success of said institution: *Provided,* Such by-laws are not inconsistent

with the constitution and laws of the United States or of this state.

To establish institution for education of females.

Sec. 2. Said corporation shall have power to establish at such time and at such place, in or near the village of Marshall, in the county of Calhoun, as may be judged best, an institution for the education of females, suited to the wants and demands of the surrounding country.

Trustees.

Sec. 3. That there shall be nine trustees of said seminary: *Provided, nevertheless*, That no more than three of said trustees shall be taken from any one denomination of christians, and that Sidney Ketchum, Oliver C. Comstock, Azrah C. Robinson, Jabez S. Fitch, James P. Greves, Thompson S. Hollister, Samuel Buel, Daniel Hudson and James W. Gordon, shall be such trustees, and have and exercise the power and franchise herein granted, until others be appointed in their place; they and their successors shall have power to fill all vacancies in their own body, which may happen by death, resignation or otherwise; they shall appoint one of their number president of said seminary, who shall be ex-officio president of the board of trustees, and have the power of giving the casting vote, in case of an equal division; a majority shall constitute a quorum for the transaction of business.

Funds how to be expended.

Sec. 4. The board of trustees shall faithfully apply all funds, in money or otherwise, by them collected, received or acquired, according to their best judgment, in erecting suitable buildings, supporting the necessary officers and teachers, in procuring books, maps, or other articles necessary to insure the success of said seminary.

Process against corporation.

Sec. 5. All process again such corporation shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the president of said seminary, or in his absence, at his last usual place of abode, at least six days previous to the return day thereof.

Act to be favorably construed.

Sec. 6. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared a public act, and copies thereof printed by authority of the state, shall be received as evidence thereof in all courts of this state.

Legislature may repeal act.

Sec. 7. The legislature shall have the power, at any time, of amending or repealing this act, by a vote of two-thirds of both branches.

Approved April 11, 1839.

[No. 52.]

An Act to amend the Revised Statutes in relation to taverns and other licensed houses.

Licenses to tavern-keepers and others, that expire on last of Dec. next, to be continued to 1st of May thereafter.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all licenses to tavern keepers, retailers, or common victuallers, heretofore granted, ending on the last day of December next, shall be good and valid in law, but it shall be the duty of all persons so licensed, on or before the first day of May next, to pay to the treasurers of their respective counties, the license money for one-third of a year, for which the said treasurers shall give a receipt, and the applicants for such licenses shall, on the first Monday of January next, exhibit said receipt to the authorities which granted their licenses, who shall endorse on said licenses that they are continued to the first day of May then next: *Provided*, The licensing authorities are satisfied that said licenses ought to be so continued.

Licenses hereafter granted to expire on last day of April in each year.

Sec. 2. All licenses to any tavern-keeper, retailer, or common victualler, hereafter granted, shall expire on the last day of April in each year; but any license may be granted or renewed at any time during the preceding month of April, to take effect from the first day of May, and after that day, may be granted for the remainder of the year, whenever the officers authorized to grant the same shall deem it expedient.

Duty of supervisor to prosecute for violations of act.

Sec. 3. It shall be the duty of the supervisor of each township to prosecute for all violations of this act, and that act to which this is amendatory, all cases coming to his knowledge, or when complaint under oath shall be made to him, by any person having the qualifications of a voter in this state, that said act or acts have been violated; and for each and every refusal or neglect of the supervisor so to prosecute, he shall forfeit and pay a fine of twenty five dollars.

Repealing clause.

Sec. 4. So much of the revised statutes as contravenes the foregoing provisions, is hereby repealed.

Act take effect.

Sec. 5. This act shall be in force from and after its passage.

Approved April 11, 1839.

[No. 53.]

AN ACT to amend an act entitled "An act to incorporate the Trustees of the Spring Arbor Seminary," passed March 23, 1835.

Trustees. Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the above recited act shall be so amended that there shall hereafter be only thirteen trustees instead of twenty-one.

Location. Sec. 2. The location shall be changed from Spring Arbor to Albion, in the county of Calhoun.

Name. Sec. 3. The name of said seminary shall hereafter be "The Wesleyan Seminary, at Albion."

First trustees Sec. 4. The following persons shall be the first trustees of said seminary, viz: Elijah Crane, Elijah H. Pilcher, Benjamin H. Packard, Almon Herrick, Alvan Billings, Thomas W. Pray, Marvin Hannahs, Jesse Crowell, Jesse Gardner, Wareham Warner, Peter Williamson, and Arza C. Robinson.

Principal of seminary. Sec. 5. The principal of said seminary shall hereafter be appointed by the conference of the Methodist Episcopal church, within whose bounds the seminary is or may be located.

Certain lands to be reconveyed to donors, &c. Sec. 6. All lands heretofore conveyed to said seminary on condition of its being located at Spring Arbor, shall be reconveyed to the donors or their legal representatives; and all subscriptions made on like condition, shall be released at the option of the subscribers, and all funds paid on such subscriptions shall, if required, be repaid to the subscribers, by the trustees of the seminary, and compensation shall be made, if required, for all materials delivered, or services rendered on account of the Spring Arbor seminary.

First meeting of trustees. Sec. 7. The first meeting of trustees shall be held at Albion on the fourth Wednesday of April, 1839. The principal shall be ex-officio a trustee and the president of the board, and until a principal is employed, the trustees may appoint one of their number president. The trustees may hold real and personal property in trust for said seminary, not exceeding in value one hundred thousand dollars.

Act to take effect. Sec. 8. This act shall take effect from and after its passage.

Approved April 12, 1839.

[No. 54.]

AN ACT to establish certain township lines in the county of St. Clair, and for other purposes.

North line of China.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the north line of township four north, of range sixteen east, according to the United States survey, be and the same is hereby continued in a due east course to the national boundary line, in the river St. Clair, and shall form the north line of the town of China, in the county of St. Clair.

North line of Sinclair.

Sec. 2. The north line of township five north, of range sixteen east, according to the United States survey, be and the same is hereby continued in a due east course, to the national boundary line, in the river St. Clair, and shall form the north line of the town of Sinclair, in said county.

Acts of township officers legalized.

Sec. 3. All official acts heretofore done or performed by the township officers of the said townships of China and Sinclair, which would have been legal and valid if said line had ran as designated in the two preceding sections, be and the same are hereby legalized.

Repealing clause.

Sec. 4. All acts and parts of acts contravening or inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved April 12, 1839.

[No. 55.]

AN ACT to provide for the more effectual defence of the state against foreign invasion.

A brigade of volunteers to be raised by voluntary enrolment, to be called "The Michigan state guards."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor shall with the advice and consent of the senate, appoint some suitable person as brigadier general, who shall be, and he is hereby authorized to raise by voluntary enrolment, under the direction of the commander-in-chief of this state, a brigade of volunteers, to be known and designated as "The Michigan state guards," and which shall consist of able bodied men between the age of eighteen and forty years, and who shall at all times hold themselves in readiness to be called into the service of this state or of

the United States, to suppress insurrection or repel invasion, either as a brigade, or by regiments, battalions or companies, under their own proper officers, for any term of time not exceeding six months, when required by the proper authority.

Commander-in-chief to direct number of regiments, &c.

Officers how appointed and commissioned.

Sec. 2. Said brigade shall consist of such number of regiments, battalions and companies, whether of infantry, riflemen, artillery, or cavalry, and of such number of officers, non-commissioned officers, musicians and privates each, as shall be directed by the commander-in-chief of this state. All field and commissioned officers shall be commissioned by the governor, upon the advice and recommendation of the commandant of said brigade; and all brigade and regimental staff officers shall be appointed by their respective commandants. Non-commissioned officers and musicians shall be appointed by the commandants of regiments, upon the recommendation of the commandants of companies, any law to the contrary notwithstanding; but any vacancies that occur shall be filled in accordance with the laws now in force in relation to independent volunteer companies, regiments or brigades, and the rank and file of said brigade may be kept up by new enrolments.

To have preference in distribution of arms, &c.

Sec. 3. In the distribution of arms, munitions of war, and camp equipage, which now do or may hereafter belong to this state, or which the governor may at any time be authorized to distribute among the militia or volunteers of this state, a preference shall be given to the Michigan state guards and the several companies thereof shall, under the direction of the commandant of said brigade, and upon giving necessary and satisfactory vouchers, be first supplied, and it shall be the duty of the officers receiving the same, to see to their safe keeping and preservation.

Certain rules to be binding on volunteers.

Sec. 4. Any rules and regulations which the commandant of said brigade may prescribe for its government, in the articles of enrolment, and which shall be subscribed by said volunteers at the time of their joining said brigade, shall be obligatory on each and every member thereof: *Provided*, Such rules and regulations shall not be in violation of the constitution and laws of the United States or of this state, and that the same shall be approved by the governor.

Their privileges and exemptions.

Sec. 5. The privileges, exemptions and liabilities now prescribed by law in relation to independent volunteer companies, regiments and brigades shall, so far as not incompatible with this

act, be applicable to the Michigan state guards; and as a farther exemption, no member of said brigade who shall have served five years therein, shall be afterwards liable to perform militia duty in this state, in time of peace, nor shall any member of said brigade, regularly enrolled and called into the service of this state or of the United States, be subject during such service, to any civil action arising upon any contract, express or implied. And if any such action shall have been commenced, or judgment of any kind obtained, all further proceedings thereon shall be suspended until sufficient time has elapsed for such person's return after his discharge; but such judgment may operate as a lien upon any real estate he may possess, if a certified transcript be filed in the register's office of the county where the same is situated.

In requisitions for militia, volunteers to take precedence.

Sec. 6. In all requisitions for military service, the said volunteers shall take precedence of the ordinary militia.

Act take effect.

Sec. 7. This act shall be in force from and after its passage.

Approved April 12, 1839.

[No. 56.]

AN ACT to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery, in certain cases, and for other purposes. Amended in 1846 vide post page 383.

When directors, &c. may apply to the court of chancery by petition, for dissolution of corporation.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, Whenever the directors, trustees, or other officers having the management of the concerns of any corporation, or the majority of them, shall discover that the stock, property and effects of such corporation, have been so far reduced by losses or otherwise, that it will not be able to pay all just demands, to which it may be liable, or to afford a reasonable security to those who may deal with such corporation, or whenever such directors, trustees or officers, or a majority of them, shall, for any reason, deem it beneficial for the interests of the stockholders, that such corporation should be dissolved, they may apply to the court of chancery, by petition, for a decree dissolving such corporation, pursuant to the provisions of this act.

Associations under the general banking act. are called corporations in this act vide section 50 of this act

Sec. 2. Every such application shall contain a statement of the reasons which induce the applicants to desire the dissolution of the corporation, and there shall be annexed thereto : What petition to contain.

First. A full, just and true inventory of all the estate, both real and personal in law and equity of such corporation, and of all the books, vouchers and securities relating thereto.

Second. A full, just and true account of the capital stock of such corporation, specifying the names of the stockholders, their residences, when known, the number of shares belonging to each, the amount paid in upon such shares respectively, and the amount still due thereon.

Third. A statement of all incumbrances on the property of such corporation, by judgment, mortgage, pledge or otherwise.

Fourth. A full and true account of all the creditors of such corporation, and of all engagements entered into by such corporation, which may not have been fully satisfied or cancelled, specifying the place of residence of each creditor, and of every person to whom such engagements were made, if known, and if not known, the fact to be so stated ; the sum owing to each creditor, the nature of each debt or demand, and the true cause and consideration of such indebtedness, in each case.

Sec. 3. To every such petition, there shall also be annexed an affidavit of the applicants that the facts stated in such application, and the accounts, inventories and statements contained therein or annexed thereto, are just and true, so far as such applicants respectively know, or have the means of knowing. Affidavit to be annexed to petition.

Sec. 4. Upon such petition, accounts, inventories and affidavits being filed, an order shall be entered requiring all persons interested in such corporation to show cause, if any they have, why such corporation should not be dissolved, before some master of the court to be named in such order, at some time and place therein to be specified, not less than three months from the date thereof. Order to show cause why corporation should not be dissolved.

Sec. 5. Notice of the contents of such order shall be published once in each week, for three weeks successively, in the state paper, and in a newspaper published in the county where the principal place of conducting the business of such corporation shall be situated, if any there be. Notice thereof to be published.

Sec. 6. On the day appointed in such order, such master shall proceed to hear the allegations and proofs of the parties, and shall, Master to hear proofs of parties and report to court.

with all convenient speed, report the same to the court, statement of the property, effects, debts, credits and engag of such corporation, and of all other matters and things per to the affairs of such corporation.

May have use of original petition.

Sec. 7. Such master shall be entitled to the use of the petition and schedules annexed thereto, if he require the sa an order on the clerk or officer of the court with whor may be deposited, and shall return the same, with his rep

When decree to be entered dissolving corporation and appointing receivers.

Sec. 8. Upon the coming in of the report of the maste shall appear to the court that such corporation is insolv that for any reason, a dissolution thereof will be beneficia stockholders, and not injurious to the public interest, a shall be entered dissolving such corporation, and appoint or more receivers of its estate and effects, and such corp shall thereupon be dissolved, and shall cease to exist.

Officers or stockholders may be appointed receivers; to give security.

Sec. 9. Any of the directors, trustees or other offi such corporation, or any of its stockholders, may be ap receivers, who, before entering upon the duties of their a ment, shall give such security to the people of this state, such penalty as the court shall direct, conditioned for the discharge of the duties of their appointment and for t accounting for all moneys received by them.

Estate of corporation vested in receivers.

Sec. 10. Such receivers shall be vested with all the esta and personal, of such corporation, from the time of their filed the security, hereinbefore required, and shall be tru said estate, for the benefit of the creditors of such corp and for the benefit of its stockholders.

Receivers to have all the powers conferred on trustees by chap. 6, title 7, part 3, revised statutes.

Sec. 11. Such receiver and receivers appointed under th to provide for proceedings in chancery against corporatic for other purposes," approved June twenty-first, eightee dred and thirty-seven, shall have all the power and au conferred by law upon trustees, to whom an assignmen estate of insolvent debtors may be made pursuant to the pr of the sixth chapter of the seventh title of the third part revised statutes.

Receivers to collect balance due on stock.

Sec. 12. If there shall be any sum remaining due up share of stock subscribed in such corporation, such re shall immediately proceed and recover the same, unless the so indebted shall be wholly insolvent, and for that purpo

bill in the court of chancery, or may commence and
e an action at law for the recovery of such sum, without
ent of any creditors of such corporation.

3. The receivers, immediately on their appointment, To give notice of their appointment.
e notice thereof, which shall contain the same matters
by law, in notices of trustees of insolvent debtors, and in
thereto, shall require all persons holding any open or
y contract of such corporation, to present the same in
and in detail to such receivers, at the time and place in
ice specified, which shall be published three weeks in
paper, and in a newspaper printed in the county where
ipal place of conducting the business of such corporation
e been situated, if any there be.

4. All sales, assignments, transfers, mortgages and con- All sales or mortgages made after filing petition, void.
of any part of the estate, real or personal, including
action of such corporation, made after the filing of the
or a dissolution thereof, in payment of, or as a security
existing or prior debt, or for any other consideration,
udgments confessed by such corporation after that time,
absolutely void, as against the receivers who may be
d on such petition, and as against the creditors of such
ion.

5. After the first publication of the notice of the appoint- Persons indebted, &c. to corporation after publication of notice, to account to receivers.
receivers, every person having possession of any property
y to such corporation, and every person indebted to such
ion, shall account and answer for the amount of such
l for the value of such property, to the said receivers;
he provisions of law in respect to trustees of insolvent
the collection and preservation of the property of such
the concealment and discovery thereof, and the means of
such discovery, shall be applicable to the receivers so
d, and to the property of such corporation.

6. Such receivers may have the same power to settle Receivers may settle disputed matters by reference.
controversy that shall arise between them and any
or creditors of such corporation by a reference as is
law to trustees of insolvent debtors, and the same pro-
for that purpose shall be had, and with the like effect;
ication for the appointment of referees may be made to
er, authorized to appoint such referees on the application
es of insolvent debtors, who shall proceed therein in the

same manner, and file their report with the like effect in all respects.

Subject to duties imposed on trustees of insolvent debtors.

Sec. 17. The receivers shall be subject to all the duties and obligations by law imposed on trustees of insolvent debtors, so far as they may be applicable, except where other provisions shall be herein made. They shall call a general meeting of the creditors of such corporation, and all its open and subsisting contracts shall be ascertained and adjusted, as far as may be, and the amount of moneys in the hands of the receivers declared.

Call meeting of creditors.

How settle open or subsisting contracts.

Sec. 18. If there shall be any open or subsisting engagements or contracts of such corporation which are in the nature of insurances or contingent engagements of any kind, the receivers may, with the consent of the party holding such engagement, cancel and discharge the same by refunding to such party the premium or consideration paid thereon by such corporation, or so much thereof as shall be in the same proportion to the time which shall remain of any risk assumed by such engagement, as the whole premium bore to the whole term of such risk; and upon such amount being paid by such receivers to the persons holding, or being the legal owner of such engagement, it shall be deemed cancelled and discharged as against such receivers.

Their compensation.

Sec. 19. Such receivers shall, in addition to their actual disbursements, be entitled to such commissions as the court shall allow.

Retain money to cancel open contracts.

Sec. 20. The receivers shall retain out of the moneys in their hands, a sufficient amount to pay the sums which they are hereinbefore authorized to pay, for the purpose of cancelling and discharging any open or subsisting engagements.

And to meet demands in suit.

Sec. 21. If any suit be pending against the corporation or against the receivers for any demand, the receivers may retain the proportion which would belong to such demand, if established, and the necessary costs, in their hands, to be applied according to the event of such suit, or to be distributed in a second or other dividend.

Residue of funds, how distributed.

Sec. 22. The receivers shall distribute the residue of the moneys in their hands among all those who have exhibited their claims as creditors, and whose debts shall have been ascertained, as follows:

First. All debts entitled to preference under the laws of the United States.

Second. Executions levied from judgments actually obtained against such corporation to the extent of the value of the real estate on which they shall respectively be liens.

Third. Creditors having made special deposites, if said deposites remain in kind.

Fourth. All other creditors of such corporation, in proportion to their respective demands, without giving any preference to debts due on specialities.

When second dividend to be made; notice thereof.

Sec. 23. If the whole of the estate of such corporation be not distributed on the first dividend, the receivers shall, within one year thereafter, and within eighteen months after their appointment, make a second dividend of all the moneys in their hands among the creditors entitled thereto, of which, and that the same will be a final dividend, three weeks' notice shall be inserted once in each week in the state paper, and in a newspaper printed in the county where the principal place of business of such corporation was situated, if any there be.

How made.

Sec. 24. Such second dividend shall be made, in all respects in the same manner as herein prescribed in relation to the first dividend, and no other shall be made thereafter among the creditors of such corporation, except to the creditors having suits against it, or against the receivers, pending at the time of such second dividend, and except of the moneys which may be retained to pay such creditors as herein provided; but every creditor who shall have neglected to exhibit his demand before the first dividend, and who shall deliver his account to the receivers before such second dividend, shall receive the sum he would have been entitled to on the first dividend, before any distribution be made to the other creditors.

Demands exhibited after first and before second dividend.

Receiver not answerable to creditor unless demand exhibited before second dividend.

Sec. 25. After such second dividend shall have been made, the receivers shall not be answerable to any creditor of such corporation, by virtue of any open or subsisting engagement, unless the demands of such creditor shall have been exhibited, and the engagement upon which such claims are founded, shall have been presented to the said receivers in detail and in writing, before or at the time specified by them, in their notice of a second dividend.

Surplus distributed to stockholders.

Sec. 26. If after the second dividend is made, there shall remain any surplus in the hands of the receivers, they shall distribute the same among the stockholders of such corporation, in proportion to the respective amounts paid in by them severally on their shares of stock.

Money retained at second dividend to meet claims in suit not yet terminated.

Sec. 27. When any suit pending at the time of the second dividend, shall be terminated, they shall apply the moneys retained in their hands for that purpose, to the payment of the amount recovered, and their necessary charges and expenses; and if nothing shall have been recovered they shall distribute such moneys, after deducting their expenses and costs, among the creditors and stockholders of the corporation, in the same manner as herein directed, in respect to the second dividend.

Receiver may be removed, &c.

Sec. 28. The receivers shall be subject to the control of a court of chancery, and may be compelled to account at any time; they may be removed by the court, and any vacancy created by such removal, or by death or otherwise, may be supplied by the court.

Receiver to render account, &c.

Sec. 29. Within three months after the time herein prescribed for making a second dividend, the receivers shall render a full and accurate account of all their proceedings to the court of chancery, on oath, which shall be referred to a master to examine and report thereon.

To give notice thereof.

Sec. 30. Previous to rendering such account, the receivers shall insert a notice of their intention to present the same, once in each week for three weeks in the state paper, and in a newspaper of the county, if any there be, in which notices of dividends are herein required to be inserted, specifying the time and place at which such account will be rendered.

Master to report an account to court.

Sec. 31. The master to whom such account shall be referred, shall hear and examine the proofs, vouchers and documents offered for or against such account, and shall report thereon fully to the court.

Decree of court thereon; moneys that may afterwards come into hands of receiver.

Sec. 32. Upon the coming in of such report, the court shall hear the allegations of all concerned therein, and shall allow or disallow such account, and decree the same to be final and conclusive, upon all the creditors of such corporation, upon all persons who have claims against it upon any open or subsisting engagement, and upon all the stockholders of such corporation; such receivers shall also account from time to time, in the same manner, and with the like effect, for all moneys which shall come to their hands, after the rendering of such account, and for all moneys which shall have been retained by them, for any of the purposes hereinbefore specified, and shall pay into court all unclaimed dividends.

Act not to extend to certain corporations.

Sec. 33. The provisions of this act shall not extend to any incorporated library society, or to any religious corporation, or to any select school or academy, incorporated by the legislature.

Dissolution of corporation not to abate suits pending.

Sec. 34. The dissolution of a corporation by a decree of the court of chancery, or by the expiration of its charter, or otherwise, shall not abate any suit or proceeding in favor of such corporation, which shall have been pending at the time of such dissolution; but all such suits or proceedings may be discontinued by the receivers who shall have been appointed for such corporation by the court of chancery, or by the trustees on whom the estate and effects of such corporation shall have devolved, in the name of such corporation, or in the names of such receivers or trustees who may be substiuted as plaintiffs under the direction of the court in which the suit is pending, and subject to such order as the court may deem expedient, in relation to the payment or security of costs.

Suits, how brought after appointment of receiver.

Sec. 35. Whenever a receiver of the property or effects of a corporation has been appointed, before its dissolution or afterwards, new suits may be brought and carried on by any such receivers, either in their own names or in the names of the corporation for which they shall have been appointed, but no new suit shall be brought in the name of a corporation after it shall have been dissolved, or after the expiration of its charter.

Suits in name of receiver not to be abated by his removal or death.

Sec. 36. No suit commenced in the name of any such receiver shall be abated by his removal or death, but the same may be continued in the name of his successor, or of the corporation, if its charter has not expired or been dissolved, as may be directed by the court in which the suit shall be pending.

Suits pending at dissolution of corporation may be continued by court.

Sec. 37. The court in which any suit or proceeding against a corporation which shall have been dissolved by the decree of the court of chancery, or by the expiration of its charter, or otherwise, shall be pending at the time of such dissolution, shall have power, on the application of either party thereto, to make an order for the continuance of such suit or proceeding, and the same may thereafter be continued until a final judgment or decree shall be had therein, which shall have the like effect upon the rights of the parties, as if such corporation had not been dissolved.

Receiver appointed under act of 21st June, 1837, subject to this act.

Sec. 38. All receivers appointed under the provisions of the "Act to provide for proceedings in chancery against corporations, and for other purposes," approved June 21, 1837, shall possess

all the power and authority conferred, and be subject to all the obligations and duties imposed upon receivers appointed under the provisions of this act.

Sixth section of act repealed.

Sec. 39. The sixth section of the "Act to provide for proceedings in chancery against corporations, and for other purposes," is hereby repealed. Laws of 1837, page 302

In certain cases directors and stockholders may be made parties to proceedings against corporations.

Sec. 40. Whenever any proceedings shall have been instituted under the provisions of the act referred to in the next preceding section, against any corporation whose directors or stockholders are made liable for the payment of the debts and liabilities of such corporation, in any event or contingency, such directors or stockholders may be made parties to the bill, either on the filing thereof, or in any subsequent stage of the proceedings, whenever it may become necessary or proper to enforce such liability.

May be made parties after decree.

Sec. 41. Such directors or stockholders may be made parties to the suit after a decree thereon against the corporation, on filing a supplemental bill against them, founded upon such decree; and if the same was rendered in a proceeding instituted by the attorney general or bank commissioners, any creditor may, on his application, be made complainant therein with or instead of the attorney general or bank commissioners, and may in like manner make the directors and stockholders sought to be charged defendants in such suit.

Creditors seeking to charge directors, &c.

Sec. 42. Whenever any creditor of a corporation shall seek to charge the directors, trustees or other superintending officers of such corporation, or the stockholders, on account of any liability created by law, he may file his bill for that purpose in the court of chancery, which shall possess jurisdiction to enforce such liability, and may proceed thereon as in other cases, and shall cause an account to be taken and a receiver to be appointed when necessary.

No receiver to be appointed when corporation is insolvent and has no effects.

Sec. 43. If upon the coming in of the answer, or upon taking of an account, or otherwise, it shall appear to the court that such corporation is insolvent and has no property or effects, the court may proceed at once, and without appointing any receiver, to ascertain the respective liabilities of such directors and stockholders, and enforce the same by its decree as in other cases.

Assets to be distributed among all the creditors.

Sec. 44. Upon a final decree upon any application to restrain a corporation or upon any bill filed against the directors or stockholders, the court shall cause a just and fair distribution of the

proceeds of the property and effects of such corporation, to be made among its fair and honest creditors, in the order and proportion hereinbefore prescribed, in cases of the voluntary dissolution of a corporation.

When stockholder to pay in amount due and unpaid on stock held by him.

Sec. 45. In all cases in which the directors or other superintending officers of a corporation, or the stockholders thereof, shall have been made parties to a suit in which a decree shall be rendered, if the property of such corporation shall be sufficient [insufficient] to discharge its debts, the court shall proceed to compel each stockholder to pay in the amount due and remaining unpaid on the shares of stock held by him, or so much thereof as shall be necessary to satisfy the debts of the company.

When court to proceed to ascertain respective liabilities of directors and others.

Sec. 46. If the debts and liabilities of the corporation shall still remain unsatisfied, the court shall proceed to ascertain or cause to be ascertained the respective liabilities of the directors or other superintending officers, and of the stockholders, and to decree the amount payable by the whole, or each separately, as the case may require, and enforce such decree, as in other cases.

Chancellor to have jurisdiction over directors and other officers for certain purposes.

Sec. 47. The chancellor shall have jurisdiction over directors, managers and other trustees and officers of corporations,

First. To compel them to account for their official conduct, in the management and disposition of the funds and property committed to their charge.

Second. To decree and compel payment by them to the corporation which they represent, and to its creditors, of all sums of money, which they may have acquired to themselves or transferred to others, or may have lost or wasted by any violation of their duties as directors, trustees, &c.

Third. To suspend any such trustee or officer from exercising his office, whenever it shall appear he has abused his trust.

Fourth. To remove any such trustee or officer from his office upon proof or conviction of gross misconduct.

Fifth. To direct new elections to be held by the body or board, duly authorized, to supply vacancies occasioned by such removal.

Sixth. To set aside all alienations of property made by the directors, trustees, or any other officer of a corporation contrary to law, or for other purposes than the lawful business and objects of such corporation, in all cases where the transferee knew or had notice of the purpose for which the same was made: and

Seventh. To restrain and prevent such alienation, in cases

where it may be threatened or there may be good reason to apprehend it will be made.

At whose instance proceedings to be instituted under last section.

Sec. 48. The jurisdiction conferred by the preceding section, shall be executed as in ordinary cases, upon bill or petition, as the case may require, at the instance of the attorney general, in behalf of the people of the state, or at the instance of any creditor, or of any director, trustee or other officer of such corporation, having a general superintendence of its concerns.

When corporation deemed to have surrendered its franchises.

Sec. 49. Whenever any incorporated company shall have remained insolvent, or shall have neglected or refused to pay its notes or other evidences of debt, or shall have suspended the proper and legitimate business of such corporation for one whole year, it shall, in either case, be deemed to have surrendered its rights, privileges, and franchises, and shall be adjudged to be dissolved.

Releasing mortgages given to secure debts of banking associations.

Sec. 50. Whenever proceedings shall have been instituted under this act, or the "Act to provide for proceedings in chancery against corporations, and for other purposes," &c. with a view to effect the dissolution of any banking incorporation whose debts and liabilities are secured by mortgage upon real estate, in favor of the auditor general, under the provisions of the "Act to amend an act entitled 'An act to organize and regulate banking associations, and for other purposes,'" it shall be lawful, and shall be the duty of the auditor general, to execute proper and sufficient releases of the whole or a portion of the mortgages given to secure the payment of the debts and liabilities of any such banking incorporation in the cases and under the limitations prescribed in the next succeeding sections.

Bank comrs or attorney general to give written consent to release.

Sec. 51. Before such releases shall be executed in any case, there shall be filed with the auditor general, the written assent of a bank commissioner, or of the attorney general, to the release of the securities in the case, specifying what amount of the mortgages may be properly released, and a statement in writing setting forth that it has been shown to the satisfaction of such bank commissioner or attorney general, either

First. That there are assets and property enough belonging to such corporation to pay all the debts and liabilities outstanding against the same, together with the costs and expenses of closing up its concerns, and that the faithful application of the proceeds of such property and assets to the redemption of the debts and

liabilities of such corporation, has been fully and properly secured: or

Second. That the debts and liabilities of such corporation, and the costs and expenses of closing up its concerns, have been fully paid and satisfied in good faith by the directors and stockholders of such corporation or any of them: or

Third. That such corporation has never transacted any business, and has no outstanding debts and liabilities, and that the costs and expenses of closing its affairs have been provided for.

When a part may be released.

Sec. 52. Any individual director or stockholder who shall have given security for any such banking incorporation by mortgages upon real estate, and who shall redeem in good faith, and at the full nominal value, a part of the debts and liabilities of such corporation, upon filing the assent and statement of a bank commissioner or the attorney general to that effect, as is above required, shall be entitled to the release of a proportionate amount of the mortgages executed by himself in behalf of such corporation.

When bank com'rs and attorney general may examine persons on oath.

Sec. 53. In order to protect the interests of the public and the creditors and billholders of such corporation, each of the bank commissioners and the attorney general shall have full power and authority to make such investigations and examinations as the nature of the case may require, and for that purpose, each of the said officers shall be personally authorized to administer oaths to such individuals as it may be necessary to examine; and any person who shall be convicted of swearing falsely upon any such examination, shall be deemed guilty of perjury, and punished as in other cases.

Act to take effect from its passage, and apply to pending proceedings.

Sec. 54. This act shall take effect and be in force from the time of its passage, and shall be applicable to all cases where proceedings are now pending for the dissolution of any corporation, as well as to any proceedings which may be hereafter instituted.

Approved April 15, 1839.

Sections 40 to 49 both inclusive of this act and also the act of June 1867 referred to in the 39th section of this act, are taken from R. S. Statutes of New York, p. 379.

in and the property sold and described may always be known. Said deposite, or the amount thereof, shall be subject, at any time within five years thereafter, to be reclaimed by, and refunded to the owner or owners of such property, his or their heirs and assigns, on satisfactory proof of such ownership.

Fees for making entry.

Sec. 4. The person making the entry of unclaimed property as above specified, shall be entitled to receive ten cents for each trunk, box, bale, package, bundle or other articles, the value of which shall not be less than one dollar, so entered, and shall have a lien on the property so entered, until payment shall be made; and in case any additional expense shall be incurred for printing, or otherwise, for the preservation of the property, the lien shall continue until payment shall be made for such additional expense.

Property that has remained unclaimed for six years.

Sec. 5. In all cases where property as described in the first section of this act, has remained unclaimed in the custody of persons therein described or referred to, for the space of six years or upwards, on which charges have been paid, or have accrued while in their custody, and remaining unpaid, and where the owner or owners thereof are unknown to the holder or holders of such property, and if known to them, and they have given not less than sixty days' notice to such owner or owners, to pay the charges and take away such property, and they neglect to do either, it shall be lawful, and is hereby made the duty of the holders thereof, to make immediate application to a justice of the peace, as is provided in the third section of this act, who shall proceed in all respects as therein provided, viz: take an inventory, give notice when discovered to owner or owners, and in default of the claimants, proceed to sell the same, deposite the nett proceeds with the county treasurer, and do and perform all other duties required of him by this act.

When description of property sold to be published by state printer.

Sec. 6. In all cases where the nett proceeds of any one lot of goods or articles sold under the provisions of this act, shall exceed ten dollars, it shall be the duty of the justice who authorises such sale, to send to the state printer a description of the goods or property sold, the amount sold for, and the amount deposited with the county treasurer, whose duty it shall be to publish the same in the state paper in the months of April, July, October and January next succeeding such sale, for two succeeding weeks, in each of the months above named, for one year, unless sooner notified by the justice, or treasurer of the county aforesaid, to suspend

[No. 59.]

Act supplementary to the act entitled "An act to establish the State Bank of Michigan."

Bank to have nine branches.

ction 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the State bank of Mi- in established by the act to which this is a supplement, shall st of nine branches, instead of seven, which shall be located stablished by the present legislature.

Eight state directors; term of office; two to go out each year.

c. 2. There shall be eight directors chosen by the legislature, ad of seven, as required by the thirteenth section of said act, shall hold their offices one, two, three and four years, who determine their term of service as therein prescribed, two g out each year.

To choose president not of their own number, &c.

c. 3. Said directors so chosen shall elect a president of said , who shall not be of their own number, who shall be a tor by virtue of his office as president, and on all questions, as such, and in case of there being a tie, the president shall the casting vote.

Taxes on land mortgaged for stock, to be paid by mortgagor; when by bank, &c.; time limited for stockholder to redeem of bank; neglecting to do so, forfeits stock.

c. 4. All taxes upon real estate, mortgaged as security for ayment of stock, shall be paid by the stockholder or mortga- and if the same be not paid within sixty days after the land rtgaged shall have been advertised for sale for the payment of tax, the amount due shall be paid by the proper branch, and cate certificates of such payment shall be given by the officer ving such tax, one of which shall be filed in the office of the ter where the mortgage shall have been recorded, and which in all cases have the same validity and effect to all intents urposes, and shall vest in such branch bank all the rights and sts that could accrue from a certificate of purchase at public or taxes as prescribed by law, and if the mortgagor of such state or the holder or holders of the stock for which the same een mortgaged, shall not, within ninety days thereafter, repay id bank the amount of said tax with costs and interest, said and the amount paid thereon, shall be absolutely forfeited e state, and shall thereafter be under the control and disposal fund commissioners.

No discount made, two directors dissenting.

c. 5. That no loan or discount shall be made when two direc- withhold their consent.

When president may release or exchange mortgaged premises; when additional security may be required.

Sec. 6. The acting president of the state bank, by order of the directors of the bank, on the part of the state, shall have power to release any mortgaged premises, upon payment in full of the amount for which the same was mortgaged, or in exchange for other unincumbered real estate of equal or greater value; and they shall have full power to appraise and receive or reject any real estate offered as security for stock, conforming in all respects to the provisions of the fifty-third section of the act to which this is a supplement, and to require from time to time such additional security from persons indebted for stock, or money loaned in payment of, or to purchase stock, as shall in their opinion amply protect the interests of the state. Any person neglecting to give additional security for the payment of his stock or the money loaned of the state in payment or to purchase the same, after ninety days' notice, shall forfeit the same to the state with the amount already paid.

Security not given, &c. stock forfeited.

Neglect to organize bank for any specific time, not to render original act void

Fund commissioners to receive no compensation as directors until loan effected.

Sec. 7. The act to which this is supplemenry, shall not be considered void, forwant of an organization at any specific time, on the part of the said bank and branches, but shall continue in force until repealed by the legislature. Until a loan of stock shall have been obtained by the fund commissioners, said directors shall not be entitled to any further compensation than that allowed them as fund commissioners.

How sinking fund to be applied after payment of loan and interest.

Sec. 8. The residue of the sinking fund created by the act to which this is supplementary, after payment of the principal and interest on the loan or loans negotiated for the payments of stock in said bank and branches, shall, if necessary, be applied according to the fifth section of the act entitled "An act authorizing a loan of a sum not exceeding five millions of dollars," approved March 21, 1837. All provisions of the act to which this is supplementary, inconsistent with the provisions of this act, are hereby repealed.

Legislature may amend or repeal act.

Sec. 9. Nothing in this act, or the one to which this is an amendment or supplementary, shall be construed to prevent the legislature from altering, amending or repealing the said act or acts.

Act take effect.

Sec. 10. This act shall take effect and be in force from and after its passage.

Approved April 15, 1839.

[No. 60.]

An Act to incorporate Marshall College.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That John P. Cleveland, Sidney Ketchum and James P. Greves, of the county of Calhoun; John M. Ellis, William Page and Marcus Harrison, of the county of Jackson; Ira M. Wead, of the county of Washtenaw; Eurotas P. Hastings, Robert Stuart and Arthur L. Porter, of the county of Wayne; Austin E. Wing and Oliver Johnston, of the county of Monroe; George W. Jermain, of the county of Lenawee; Ashbel S. Wells, of the county of Oakland; Mitchell Hinsdell, of the county of Kalamazoo; Elisha P. Champlin, of the county of Hillsdale, and Phanuel W. Warriner, of the county of St. Joseph, and their successors, be and they are hereby created a body politic and corporate, to be styled "The Board of Trustees of Marshall College," and by that name shall remain in perpetual succession, with full powers to sue and be sued, plead and be impleaded; to acquire, hold and convey property, real and personal; to have and to use a common seal, to alter and renew the same at pleasure; to make and alter, from time to time, such by-laws as they may deem necessary for the government of said institution, its officers and servants, provided such by-laws are not inconsistent with the constitution and laws of the United States, or of this state. Body corporate and politic.

Sec. 2. The said college shall be located in the township of Marshall, in the county of Calhoun; and shall be erected on a plan sufficiently extensive to afford instruction in the liberal arts and sciences; and the trustees may, as their abilities shall increase, and the interests of the community require, erect additional departments for the study of any or all of the liberal professions. Located at Marshall.

Sec. 3. The board shall, from time to time, appoint a president, vice-president, secretary and treasurer, together with such other officers, instructors and servants of the institution, as may be necessary; and shall have power to displace any or either of them, for good and sufficient reasons; and also to fill vacancies which may happen by death, resignation or otherwise, in said board, or among said officers, instructors and servants; and also to prescribe and direct the course of study to be pursued in said institution and its departments. Appointment of president, vice president, secretary, &c.

President of college to be member of board of trustees.

Sec. 4. The president of the college shall be, ex-officio, a member of the board of trustees, and president of the same; and in his absence, the vice-president shall preside in the meetings of the board; and in the absence of both president and vice-president, the board shall elect one of their own number to preside for the time being.

Board of trustees.

Sec. 5. The board of trustees shall consist of sixteen members, exclusive of the president, any nine of whom shall constitute a quorum to do business; said board of trustees shall hold their first meeting at the call of the members resident in the village of Marshall, within two months from the approval of this act, and afterwards they shall meet on their own appointments; but in cases of emergency, the president and secretary may call special meetings of the board, or any five members may call such meeting, by giving notice to each member, at least ten days before the time of such meeting.

Funds, how to be applied.

Sec. 6. The board of trustees shall faithfully apply all funds collected or received by them, according to their best judgment, in erecting suitable buildings, supporting the necessary officers, instructors and servants, both in the collegiate and preparatory departments, and in procuring books, maps, charts, globes and other apparatus necessary to the success of the institution or for the purposes of lessening the expense of education or promoting the health of the students: *Provided, nevertheless*, That in case any donation or bequest shall be made for particular purposes accordant with the general designs of this institution, and the corporation shall accept and receive the same, every such donation or bequest shall be applied in conformity with the condition or design expressed by the donor.

Treasurer to give bonds; process against corporation.

Sec. 7. The treasurer of the college shall always, and all other agents when required, before entering on the duties assigned them, give bonds for the security of the corporation and of the public, in such penal sums, and with such sureties, as the board of trustees shall approve; and all process against the institution shall be by summons, and the service of the same shall be by leaving an attested copy thereof with the treasurer of the college, at least thirty days before the return thereof.

Board of visiters.

Sec. 8. The institution hereby incorporated shall always be subject to the examination or inspection of a board of visiters, or of any officer or officers appointed or authorized by the legisla-

ture; and after said institution shall have commenced operations, the governor, by and with the advice and consent of the senate, shall annually appoint three disinterested persons, not connected with the aforesaid or any other literary institution in the state, as a board of visiters, whose duty it shall be to visit said institution, at its annual collegiate commencement, or at such other time or times as they may deem expedient, or be directed thereto by the legislature, and report the result of their visit and examination into its condition and affairs, to the legislature at its next annual session. The necessary expenses of said board of visiters, in visiting and examining said institution, not exceeding to each visiter the sum of thirty dollars, shall be chargeable on and paid from the funds of said corporation.

Confer degrees.

Sec. 9. The trustees shall have power to confer the honors and degrees usually conferred by collegiate institutions, upon those whom they may deem worthy, when it shall appear from the report of the board of visiters, on the report of a committee appointed by the legislature, that the institution is possessed of permanent funds yielding an average yearly income of at least five thousand dollars, exclusive of any income arising from tuition fees, or other annual contingent contributions: *Provided, however*, That the primary degrees shall not be conferred on any students, who shall not have passed through a course of studies, similar or equivalent to, and at least as thorough as that prescribed by the regents of the university for candidates for the like degrees.

Certain subscriptions to be released.

Sec. 10. This act shall not take effect until all the subscribers to a college contemplated to be established at or near the village of Marshall, by the name of Michigan college, who may so request the same, shall have had an opportunty of withdrawing their subscriptions, and a guarantee for twenty thousand dollars for said proposed college, given by Sidney Ketchum, John D. Pierce and A. L. Hays of Marshall, shall have been released, and all moneys advanced on said subscriptions or guarantee refunded, if requested by the respective individuals advancing such moneys, or their legal representatives.

Act may be amended.

Sec. 11. The legislature may at any time alter, amend or repeal this act, by a vote of two-thirds of each house.

Approved April 16, 1839.

[No. 61.]

An Act to legalize certain acts of the supervisors of the townships of Allegan, Plainfield and Otsego, in the county of Allegan, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the proceedings of the supervisors of the townships of Allegan, Plainfield and Otsego, in the county of Allegan, in equalizing the valuation of property for the townships of Manlius and Newark, in said county, and issuing warrants for the collection of taxes therein for the current year, be henceforth as valid in law as if the said equalization had been made from the assessment rolls of the said townships of Manlius and Newark for the current year: *Provided, nevertheless*, That nothing herein contained shall be so construed as to take away or injuriously affect any individual vested rights.

Approved April 16, 1839.

[No. 62.]

An Act relative to trunks, baggage and other unclaimed personal property.

Certain persons with whom unclaimed property has been left by owner or otherwise, to enter description thereof in book, &c.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following persons, residing within this state, viz: Forwarding merchants, wharf keepers, warehouse keepers, tavern keepers, the proprietor or proprietors of steamboats, canal boats, stages and lines, and the several incorporated railroad companies, and the keepers of the several railroad, canal and other depots, for the reception and storage of trunks, baggage, merchandize, or other articles of personal property, which may have been consigned to any or either of them, or which may hereafter be consigned to, or left in the custody of any or either of them, by the owners, agents, or common carriers of property in transitu, shall immediately enter the time the same was left, with a proper description thereof, in a book to be by them provided and kept for that purpose. In case the name and residence of the owner shall be known or ascertained, it shall be the duty of such person or persons having such property in his, her or their possession, as

To notify owner if he be known.

above specified, to immediately notify the owner or owners thereof by mail.

Property unclaimed for thirty days to be advertised by state printer.

Sec. 2. In case no information is obtained as to the owner or owners, it shall be the duty of the person or persons having possession thereof, to make out a correct written description of all such property as shall have been unclaimed for the space of thirty days, stating therein the time the same was received, and forward said description to the state printer, whose duty it shall be to publish the same in the state paper once in each week, for four successive weeks, immediately after receiving such description.

Property remaining unclaimed for sixty days thereafter, inventory thereof to be taken.

Sec. 3. In case said property shall remain unclaimed for sixty days after the said publication, it shall be the duty of the person or persons having possession thereof, to apply to a justice of the peace in the town or city in which said property is retained, in whose presence and under whose direction said property shall be opened and examined, and an inventory thereof taken by said justice; and if the name or names, and residence of the owner or owners is ascertained by such examination, it shall be the duty of the justice forthwith to direct a notice thereof to such owner or owners by mail; and if said property shall remain unclaimed for sixty days after such examination, it shall be the further duty of the person or persons having possession thereof, to apply to a justice of the peace as aforesaid, and if said justice shall deem such property of sufficient value, he shall cause the same to be sold at public auction, giving ten days' previous notice of the time and place of such sale; and from the proceeds of such sale, he shall pay the charges and expenses legally incurred in respect to said property, or a ratable proportion thereof to each claimant, if insufficient for the payment of the whole amount; and the balance of the proceeds of such sale, if any, the said justice shall immediately pay over to the treasurer of the county in which said property sold was retained, for the use of the poor thereof; and the said treasurer shall make an entry of the amount received, the purposes to which the same is to be applied, and the time when received, and at the same time shall demand and receive from the justice who makes such deposite, a description of the property sold, the gross amount of such sale, the amount of expenses paid, and the name of, and amount paid or claimed by each person; which statements shall be registered and filed in his office, in such a manner that the relation between the amount paid

in and the property sold and described may always be known. Said deposite, or the amount thereof, shall be subject, at any time within five years thereafter, to be reclaimed by, and refunded to the owner or owners of such property, his or their heirs and assigns, on satisfactory proof of such ownership.

Fees for making entry.

Sec. 4. The person making the entry of unclaimed property as above specified, shall be entitled to receive ten cents for each trunk, box, bale, package, bundle or other articles, the value of which shall not be less than one dollar, so entered, and shall have a lien on the property so entered, until payment shall be made; and in case any additional expense shall be incurred for printing, or otherwise, for the preservation of the property, the lien shall continue until payment shall be made for such additional expense.

Property that has remained unclaimed for six years.

Sec. 5. In all cases where property as described in the first section of this act, has remained unclaimed in the custody of persons therein described or referred to, for the space of six years or upwards, on which charges have been paid, or have accrued while in their custody, and remaining unpaid, and where the owner or owners thereof are unknown to the holder or holders of such property, and if known to them, and they have given not less than sixty days' notice to such owner or owners, to pay the charges and take away such property, and they neglect to do either, it shall be lawful, and is hereby made the duty of the holders thereof, to make immediate application to a justice of the peace, as is provided in the third section of this act, who shall proceed in all respects as therein provided, viz: take an inventory, give notice when discovered to owner or owners, and in default of the claimants, proceed to sell the same, deposite the nett proceeds with the county treasurer, and do and perform all other duties required of him by this act.

When description of property sold to be published by state printer.

Sec. 6. In all cases where the nett proceeds of any one lot of goods or articles sold under the provisions of this act, shall exceed ten dollars, it shall be the duty of the justice who authorises such sale, to send to the state printer a description of the goods or property sold, the amount sold for, and the amount deposited with the county treasurer, whose duty it shall be to publish the same in the state paper in the months of April, July, October and January next succeeding such sale, for two succeeding weeks, in each of the months above named, for one year, unless sooner notified by the justice, or treasurer of the county aforesaid, to suspend

such publication, and said printer shall be paid therefor out of the nett proceeds.

Sec. 7. Any person who shall violate any of the provisions of this act, or who shall neglect or refuse to perform any of the duties herein required and specified, shall forfeit and pay a sum not exceeding one hundred dollars, and not less than five dollars, for each neglect or offence, to the benefit of any person who shall sue for the same, in his own name, in an action of debt, in any court of competent jurisdiction thereof. Persons violating this act.

Sec. 8. This act shall take effect from and after its passage. Act take effect.

Approved April 16, 1839.

[No. 63.]

An Act confirming the conveyance of the trustees of the French Catholic church of Monroe, to the Rt. Rev. Frederick Rese, Bishop of Detroit.

Whereas, the trustees and members of the French Catholic church of Monroe, (formerly known as the church or parish of St. Antoine,) have presented a petition to the senate and house of representatives of the state of Michigan, therein setting forth, among other things, that a tract of land recently belonged to said church, to wit: all that certain tract of land situate in the city and county of Monroe, in said state, being bounded south by the River Raisin, east by lot of George B. Harleston, north by Water-street, and west by lands of said bishop Rese: also, another tract situate in the township of Frenchtown, in said county, bounded south by Noble Ablune, in said city, east by Anderson street and Charles Noble's farm, north by lands formerly belonging to the United States, and west by lands owned by said bishop: also, all that other tract situate in said Frenchtown, bounded east by the farm of Pierre Langlois, south by the River Raisin, west by Joseph Hivon's land, north by lands lately belonging to the United States, containing fifty-six acres and five-tenths of an acre. And further in said petition setting forth, That said bishop, at the instance and request of the petitioners, expended large sums of money for the advancement of said church, and towards the erection and completion of an edifice in said city, to be devoted to the use and purposes of the congregation of said church; and that in consideration thereof said trustees, with the consent of said con- Preamble.

gregation, did, by deed bearing date the seventeenth day of December last, convey to said bishop, the said lands and premises hereinbefore described, (excepting a certain portion thereof, in said deed excepted and reserved:) And whereas, said petitioners in said petition, do solicit that an enactment may be made, in order to confirm the said grants to said bishop, and to perfect his title in the said real estate.

Deeds mentioned in preamble declared good and valid.

Section 1. *Therefore, be it enacted by the Senate and House of Representatives of the State of Michigan*, That the said deed, executed by the trustees of said church in the above preamble mentioned, be and is hereby declared to be good, valid and effectual in law, for the fully conveying to said Frederick Rese, bishop of Detroit, his heirs and assigns, the lands and premises in said deed described and thereby intended to be conveyed. And the grants in said deed made to said bishop, his heirs and assigns, are hereby confirmed.

Trustees authorized to make further conveyances.

Sec. 2. The said trustees and their successors in office, are hereby authorized and empowered to make, execute and deliver to said right reverend Frederick Rese, his heirs or assigns, such other and further conveyances and assurances in the law, for the better assuring to the said Rese, his heirs and assigns, the lands and premises in said deed conveyed, or mentioned and intended to be conveyed, as said Rese, his heirs or assigns, may reasonably require.

Approved April 16, 1839.

[No. 64.]

An Act relative to certain state annual reports.

Fiscal year to close on last Nov.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That hereafter the fiscal year for the treasury of the state shall close on the last day of November in each and every year, and it shall be the duty of the state treasurer and auditor general, to cause a copy of their respective annual reports to be put in the hands of the state printer, or such printer as the secretary of state may employ, on or before the fifteenth day of December in each year, who shall print for the use of the succeeding legislature, five hundred copies of each of said reports, two hundred copies for the use of the senate, and

Treasurer and auditor to cause their respective annual reports to be printed, &c.

three hundred copies for the use of the house of representatives, the proof sheets whereof shall be submitted to and revised by the said treasurer and auditor respectively, and said reports shall be ready for delivery to the proper officers of the respective houses of the legislature, immediately after the permanent organization of the two houses.

Acting com'rs, &c. to close their accounts on last Nov. Annual report of board.

Sec. 2. It shall be the duty of the acting commissioners, engineers, and others required by law or by resolution of the board of commissioners of internal improvement, to make annual returns or statements of the progress and condition of the public works under their charge, to close their accounts on the last day of November in each year, and to prepare and deliver their respective aforesaid annual statements or returns as soon thereafter as may be; and it shall be the duty of the board of internal improvement, to cause their annual report to the legislature to be put into the hands of the state printer at least ten days before the first Monday in January in each year, and to superintend or appoint some person to superintend the printing of two hundred copies of the same for the senate, and three hundred copies for the use of the house of representatives of the succeeding legislature.

Report of superintendent of public instruction.

Sec. 3. It shall be the duty of the superintendent of public instruction to cause his annual report to be prepared and delivered to the state printer, or such printer as the secretary of state may employ, as soon as may be after the first day of December in each year, and to superintend the publication of four hundred copies for the use of the senate, and six hundred copies for the use of the house of representatives of the succeeding legislature.

Other state officers required to make returns.

Sec. 4. It shall be the duty of the several other state officers, (the state geologist excepted,) from whom annual reports are required by law, to cause the same to be placed in the hands of the state printer, or such printer as the secretary of state may employ, at least seven days before the first Monday of January in each year, and to superintend the publication of one hundred copies for the senate, and one hundred and fifty copies for the use of the house of representatives of the succeeding legislature.

Approved April 16, 1839.

[No. 65.]

An Act to incorporate St. Philip's College.

Bishop Rese and his successors created body politic and corporate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Right Reverend Frederick Rese, Roman catholic bishop of Detroit, and his successors in said office of Bishop of Detroit, duly appointed by the See of Rome, be and are hereby ordained, created and constituted a body politic and corporate, in fact and in name, under and by the name of St. Philip's college, and by that name he and his successors shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all suits, complaints, matters and causes whatsoever, either in law or equity; of having and using a common seal; of enacting all by-laws for the regulation of said college and of the members thereof, of altering from time to time the same; of acquiring by gift, devise, purchase or otherwise, and of holding and conveying any real, personal or mixed estate whatsoever, necessary and proper for the object of this incorporation; of transacting all business, directing all the affairs, controlling and disposing of all the funds, estate and effects of said college, and of doing every other act, matter and thing necessary and proper for the well being and good government of the same, not inconsistent with the constitution and laws of the United States or of this state.

To keep collegiate institution in the county of Wayne.

Sec. 2. Said bishop and his successors shall keep in existence and operation a collegiate institution, under the name of St. Philip's college, for the purpose and on a plan sufficient to afford instruction in the liberal arts and sciences; which institution may be increased so as to afford an opportunity for the study of the liberal professions. The college shall be located in the county of Wayne.

Appoint instructors, &c.

Sec. 3. The said bishop and his successors shall, from time to time, appoint such officers, instructors and servants of the institution, as may be necessary or proper; and also to displace any or either of them; to fill all vacancies, and to prescribe and direct the course of study to be pursued in said college and its departments.

4. The said bishop and his successors may, in contempla- Appoint person to take charge of institution in case of absence; vacancy.
absence, and whenever it may be necessary so to do, choose
ppoint in writing, under the corporate seal, some proper
to fill his place, who, until said appointment be revoked
l bishop or his successors, may do and perform every thing
welfare, conduct and regulation of said college, which said
and his successors might and could do by virtue of this act;
the event of a vacancy occurring at any time in the said
f Roman catholic bishop of Detroit, by death or otherwise,
uch occurrence, and until the vacancy be filled according
rites and ceremonies of said church, the person filling at
ne the office of vicar general of the diocese of Detroit, shall
ent said corporation, and do and perform, under said cor-
name, every act and thing, and exercise every power and
ity which said bishop and his successors are hereby granted
sted with; but as soon as said vacancy shall be filled as
aid, and the person filling the same arrives in said diocese,
ne powers and authority hereby vested in said vicar general
ease.

. 5. The institution hereby incorporated shall always be Board of visiters.
: to the examination of a board of visiters, three in number,
nnually appointed by the governor, by and with the advice
nsent of the senate; and said visiters shall report to the
ture, at its next annual session after their appointment and
nation of said institution.

. 6. The said bishop and his successors shall have power Confer degrees.
fer the honors and degrees usually conferred by collegiate
ions, upon such persons as may be deemed worthy, when
l appear from the report of the board of visiters, or the
of the committee appointed by the legislature: *Provided,*
r, That the primary degrees shall not be conferred on any
ts who shall not have passed through a course of studies
lent to and as thorough as that prescribed by the regents
university for candidates for degrees.

. 7. The legislature may at any time alter, amend or repeal Act may be amended.
t.

proved April 16, 1839.

[No. 66.]

An Act more effectually to protect the public against various frauds.

Making or exhibiting false certificates, checks, &c. or false entries, &c. with intent to deceive.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That if any president, director, cashier or other officer of any bank, or banking institution in this state, shall hereafter make or issue, or cause to be made or issued, any false certificate, check, draft or other evidence of debt, or shall exhibit the same with an intent to deceive or defraud, or shall make any false entry or cause the same to be done, or shall omit to make any true entry in the proper book or books of said bank, with an intention to deceive or defraud, or shall make, or publish, or exhibit any false statement concerning the affairs, conduct or condition of any bank, knowing the same to be false, he or they, so offending, shall be deemed guilty of felony, and upon conviction, shall be fined in any sum not exceeding ten thousand dollars, and be confined in the state prison not less than one or more than ten years.

Violating or disregarding charter of bank, or permitting same to be done.

Sec. 2. If any officer, director, or other person employed by any bank, who shall be permitted to have charge or management of its affairs in any manner whatever, shall knowingly violate or disregard the provisions or requirements of any part of the charter of such bank, or shall knowingly permit the same to be violated or disregarded, and shall not give notice thereof to the board of directors, or some public officer, within ten days thereafter, he or they, so offending, shall, on conviction, be deemed guilty of felony, and shall be fined in any sum not exceeding ten thousand dollars, and confined in the state prison not more than ten nor less than one year.

Having possession of certain securities and refusing to deliver them up to receiver.

Sec. 3. Any person or persons having possession or control of any securities which may have been executed under the provisions of the general banking law, or of any books, papers or effects belonging to any bank or banking institution established or purporting to have been established under that, or any other law of this state, shall, on demand, deliver the same to any receiver appointed by the chancellor; and in case of neglect or refusal to do so, the person or persons so neglecting or refusing, shall, on conviction thereof, be deemed guilty of a high misdemeanor, and shall be punishable by fine or imprisonment, or both, at the dis-

Sec. 10. It shall be the duty of the board of inspectors, once a month, to visit the prison and inspect the same, and they shall annually, on the first Monday of January, report to the legislature of the state the condition of the prison and of the persons confined therein; and they shall make a statement of the moneys expended in the support and maintenance of the prisoners, and of all moneys received on sale of manufactures or other articles, and for the labor of prisoners; and generally of all their proceedings during the last year. To visit and inspect prison once a month; report to legislature.

Sec. 11. It shall be the duty of the inspectors to furnish to the legislature, with their annual report, copies of the monthly returns which may be made to them by the agent, on his oath. To furnish legislature with monthly returns of agent.

Sec. 12. The inspectors of said prison shall have stated meetings, to be appointed by them, as often at least as once a month, and a majority shall constitute a quorum for the transaction of business; they shall adopt rules and regulations for the government of the officers of the prison, and all orders, rules and regulations adopted by them and the entries of their proceedings as a board at each meeting, shall be recorded by the clerk of the prison, who shall attend their meetings for that purpose; a printed copy of the general rules and regulations shall be furnished to each of the officers of the prison on his appointment; the agent of the prison may make and issue general and special orders and rules, to be in force till the next meeting of the board, and no longer; all general orders and rules for the government of the subordinate officers of the prison, made by the agent, shall be in writing, and entered by him in a book kept by him for that purpose. The agent or deputy keeper shall also keep a daily journal of the proceedings of the prison, in which shall be entered a note of every infraction of the rules or regulations of the prison, by any officer thereof, which shall come to his knowledge, and a memorandum of every complaint made by any convict, of bad or insufficient food, want of clothing, or of cruel and unjust treatment from his keeper, and this journal shall be laid before the inspectors at every stated meeting. To have stated meetings; adopt rules for prison, &c.; furnish printed copies to officers of prison; authority of agent to make rules. Agent to keep daily journal, &c.

Sec. 13. No inspector of the state prison shall be agent thereof, or be concerned in the business of such agency, or hold any other appointment connected with the prison. No inspector to be agent.

Sec. 14. The inspectors shall be allowed for their services, a sum not exceeding two dollars each, for each day necessarily Compensation to inspectors.

[No. 67.]

AN ACT further to amend an act entitled "An act to amend an act entitled 'An act to incorporate the village of Niles, and the act or acts amendatory thereof.'"

Certain elections and corporation acts legalized.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all elections held by the electors of the village of Niles, since the passage of an act approved April 5th, 1838, entitled "An act to amend an act entitled 'An act to incorporate the village of Niles, and the act or acts amendatory thereof,'" are hereby legalized to the same effect as though the said election had been held according to the provisions of said act entitled "An act to amend an act entitled 'An act to incorporate the village of Niles, and the act or acts amendatory thereof,'" and all corporate acts done and performed by the common council and officers of the said corporation of the village of Niles, so elected, shall be deemed and taken as valid and binding: *Provided, however*, That in all other respects the said common council and the officers of the said corporation shall have complied with the laws of this state and the acts of incorporation of said village: *And provided, further*, That nothing herein contained shall be so construed as to take away or impair any vested right, nor to sanction any sale of real estate by reason of any tax heretofore by said corporate authorities assessed, provided for, or directed to be levied, that may have been made before the passage of this act.

Approved April 16, 1839.

[No. 68.]

AN ACT to authorize township meetings to adjourn from one place to another.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That whenever it shall become inconvenient to hold a township meeting at the place designated by any order or vote of said township, it shall be lawful for the board of inspectors, after they or a majority shall have assembled at such place previously designated, after opening the meeting, and before receiving any votes, to adjourn to some

renient place nearest to said place of meeting, and at such
arned place forthwith to proceed with the meeting, and upon
adjournment to make proclamation thereof, and to leave a
table or some proper person to notify all persons arriving at
meeting that the meeting has adjourned, and the place to
h the meeting has adjourned.
pproved April 16, 1839.

[No. 69.]

Act to incorporate the Berrien County Mutual Insurance Company.

ction 1. *Be it enacted by the Senate and House of Representa-* Certain persons and their associates a corporation.
of the State of Michigan, That James Sullivan, Cogswell
reen, Nathaniel Bacon, Cyrus Dana, Obed P. Lacy, Edwin
Bridges, Philogene P. Maillard, Erasmus Winslow, George
Hoffman, Royal T. Twombley, J. C. Larimore and William
eeson, and all other persons who may hereafter associate
them in the manner herein prescribed, shall be a corpora-
by the name of "The Berrien County Mutual Insurance
any," for the purpose of insuring their respective dwelling
s, stores, shops and other buildings, household furniture,
andize and other property, against loss or damage by fire.

. 2. All persons who shall insure with the said corporation, Persons insuring become members of corporation.
lso their heirs, executors, administrators, and their assigns,
uing to be insured in said corporation, as herein provided,
hereby become members thereof during the period they shall
n insured by said corporation, and no longer.

. 3. The affairs of said company shall be managed by a Directors; vacancy.
of directors consisting of nine members, as hereinafter pro-
. All vacancies happening in said board may be filled by
maining directors, and a majority of the whole shall consti-
quorum for the transaction of business.

. 4. James Sullivan, Cogswell K. Green, Nathaniel Bacon, First directors.
Dana, Obed P. Lacy, Edwin N. Bridges, Philogene P.
ard, Erasmus Winslow and George W. Hoffman, shall be
st directors of said corporation, and shall continue in office
e year after the passage of this act, and until others shall be
in their place; which board of directors shall thereafter.

Directors hereafter to be elected.

be elected in each year, at such time and place in the village of Niles, in said county of Berrien, as the corporation in their by-laws shall appoint; of which election public notice shall be given in at least one newspaper printed in said county, at least twenty days preceding such election. Such election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election, by the board of directors; and such election shall be made by ballot, and by a plurality of votes of the members, or their proxies then present, allowing to each member one vote for every hundred dollars insured by him in said corporation.

Directors determine rate of insurance.

Sec. 5. The directors may determine the rates of insurance, the sum to be insured, and the sum to be deposited for any insurance.

Members to give promissory note with surety.

Sec. 6. Every person who shall become a member of said corporation, by effecting insurances therein, shall, before he receives his policy, deposite his promissory note, with satisfactory security, for such a sum of money as shall be determined by the directors; a part, not exceeding ten per cent of said note, shall be paid down, for the purpose of discharging the incidental expenses of the institution; and the remainder of said deposite note shall be payable in part or in whole, at any time when the directors shall deem the same requisite, for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the maker thereof.

Sale of property insured.

Sec. 7. When any property insured with this corporation shall be alienated by sale or otherwise, the policy shall thereupon be void and be surrendered to the directors of said company to be cancelled; and upon such surrender, the assured shall be entitled to receive his deposite notes upon payment of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security to the satisfaction of said directors for such portion of the deposite or premium note as shall remain unpaid; and by such ratification

onfirmation, the party giving such security shall be entitled the rights and privileges, and be subject to all the liabilities ich the original party to whom the policy issued was enti- nd subjected under this act.

c. 8. Every member of said company shall be bound to pay sses and such necessary expenses as aforesaid, accruing in o said corporation, in proportion to the amount of his depos- ites or note; and all buildings insured by said company, her with the right, title and interest of the assured to the on which they stand, shall be, and are hereby pledged to company; and said company shall have a lien thereon in e of a mortgage, to the amount of his deposite note, which continue during his policy; the lien to take effect whenever aid company shall file with the register, and have entered in ook of mortgages kept by the register of the county where property is situate, a memorandum of the name of the indi- l insured, a description of the property insured, the amount posite note, and the term during which said policy shall con- Members bound to pay for losses in proportion to deposite note.

c. 9. Suits at law may be maintained by said corporation, st any of its members, for collection of said premium , or any assessment thereon, or for any other cause relating e business of said corporation; also, suits at law may be ecuted and maintained by any member against said corpora- for losses or damages by fire, if payment is withheld more three months after the company are duly notified of such s. Suits may be maintained by and against members.

c. 10. The directors shall, after receiving notice of any loss mage by fire, sustained by any member, and ascertaining ame, or after the rendition of any judgment as aforesaid, st said company for loss or damage, settle and determine the s to be paid by the several members thereof as their respective ortions of such loss, and publish the same in such manner as shall see fit; and the sum to be paid by each member shall ys be in proportion to the original amount of his deposite or notes, and shall be paid to the treasurer within thirty next after the publication of said notice. If any member , for the space of thirty days after the publication of said e, neglect or refuse to pay the sum assessed upon him as his ortion of any loss as aforesaid, in such case the directors may Directors to determine amount to be paid by members towards loss, &c.

sue for and recover the whole amount of his deposite note or notes, with costs of suit, and the amount so collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration of the term for which the insurance was made.

When whole amount of deposite notes insufficient to pay loss.

Sec. 11. If the whole amount of deposite notes shall be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company, shall receive towards making good their losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured; and in addition thereto, a sum to be assessed on all the members of said company, on the same principles as regulated the amounts of their respective deposite notes, but not exceeding one dollar on every hundred dollars by them respectively insured; and no member shall ever be required to pay for any loss occasioned by fire at any one time more than one dollar on every hundred dollars insured in said company, in addition to the amount of his deposite note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member, upon the payment of the whole of his deposite note, and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company.

When policies to be issued.

Sec. 12. No policy shall be issued by said company until application shall be made for insurance for fifty thousand dollars, at least.

Corporation located at Niles; not to do banking business.

Sec. 13. The operations and business of the corporation shall be carried on and conducted at such place in said village of Niles as shall be designated by the board of directors; and the said corporation shall not issue any note, check or obligation for the payment of money, nor loan money on interest, nor transact any business in the nature of banking business, upon penalty of forfeiture of their charter.

Act limited to twenty years.

Sec. 14. This act shall continue in force twenty years, subject to be altered, amended or repealed by the legislature.

Approved April 17, 1839.

[No. 70.]

An Act to increase the capital stock of the Gibralter and Flat Rock Company.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the Gibralter and Flat Rock company shall have power to increase their capital stock from four hundred thousand dollars, at which it is now fixed, by the act of April 3, 1838, to one million of dollars.

Approved April 17, 1839.

[No. 71.]

An Act amendatory of part first, title seven, and chapter first of the Revised Statutes, relative to the inspection of provisions, &c.

Saltpetre and salt to be used in packing pork and beef.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the inspectors of provisions within this state shall not hereafter be required to use saltpetre in the packing of pork, hams and shoulders excepted, nor shall they be required to use for packing beef, a greater quantity of salt, exclusive of a strong pickle, than fifty pounds to each barrel, and half said quantity for each half barrel; and when intended for immediate consumption, the quantity of salt may be lessened at the discretion of the inspectors thereof: *Provided*, The salt to be used for packing or pickling the same, or any other salted provisions, shall be good, fair and clean, and may be the manufacture of any country, any existing law to the contrary notwithstanding.

One hog pork.

Sec. 2. That in addition to the three qualities of pork provided for in the sixteenth section of part five, title seven, and chapter first of the revised statutes, there shall be added that of "one hog pork," which shall consist of pieces, as near as may be, weighing eight pounds each, making two hundred pounds of pork, well fattened, from hogs weighing two hundred pounds or more of pork, and may include two hams, two shoulders, and one head, excluding legs, snouts and ears; the pieces of pork, of all qualities, shall be packed on the edge, with at least sixty pounds of clean, fair salt to each barrel, and when thus packed and headed, shall be filled with strong pickle.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 17, 1839.

[No. 72.]

An Act to amend an act, entitled "An act to incorporate the Grand Rapids Bridge Company."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the act entitled "An act to incorporate the Grand Rapids bridge company," is hereby revived, and the time for completing the bridge mentioned in said act, extended to the period of two years from and after the passage of this act.

Approved April 17, 1839.

[No. 73.]

An Act to organize a certain township.

Irving.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the county of Barry, designated by the United States survey as township number three and four north, of range number nine west, be and the same is hereby set off and organized into a township by the name of Irving, and the first township meeting shall be held at the house of Albert E. Bull, in said township.

Sec. 2. This act shall take effect from and after the thirty-first day of March next.

Approved April 17, 1839.

[No. 74.]

An Act to incorporate the Adrian insurance company.

Insurance company established at Adrian; capital; shares.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That an insurance company shall be established in the village of Adrian, in the county of

Lenawee, under the name and style of the "Adrian insurance company," with a capital stock of two hundred and fifty thousand dollars, divided in shares of fifty dollars each, to be subscribed and paid for by individuals, companies or corporations, in the manner hereinafter specified.

Books for subscription to be opened

Sec. 2. That Addison J. Comstock, Darius C. Jackson, Thomas Kaley, Warren Bradish, Joseph H. Cleveland, Milton N. Halsey and Warner M. Comstock, or any three of them, be and they are hereby authorized to open books for subscription, in the village of Adrian, for the capital stock of said company, on the first or second Monday in June next, and to keep them open every day between the hours of nine o'clock A. M. to five P. M. for ten days, (Sunday excepted,) when the same shall be closed; if within the said ten days, one thousand shares shall be subscribed for, the subscribers may meet at some suitable place in the village of Adrian, after fifteen days' notice therof shall have been given in a newspaper published in said village, and choose three trustees, who may at any time after having given fifteen days notice in one of the newspapers of the village, cause the subscription book to be re-opened, and continue open until the whole amount of stock shall be taken; if, however, within the said ten days, more than five thousand shares shall be subscribed for, the said commissioners shall apportion the same among the applicants therefor.

Subscriptions when to be paid.

Sec. 3. The payments of the subscriptions shall be made and completed by the subscribers respectively, at the times and in the manner following: at the time of subscribing, there shall be paid on each share, one dollar; and after the election of trustees, and before the company shall go into operation, two dollars. The balance due on each share shall be subject to the call of the trustees, and the said company shall not be authorized to make any policy or contract of insurance with any person, until the whole amount of shares subscribed shall be actually paid or satisfactorily secured to be paid, by endorsed notes, by hypothecated stocks, or by mortgage on unincumbered real estate.

Body corporate and politic.

Sec. 4. The subscribers to the said company, their associates, successors and assigns, are hereby constituted a body corporate and politic, for the term of twenty years, by the name and style of the "Adrian insurance company," and by that name they shall be capable in law of pleading and being impleaded, answering and being answered unto, defending and being defended, in all

courts of law and equity, and may have and use a common seal, and change and alter the same at pleasure.

Corporation may insure against loss or damage by fire, &c.

Sec. 5. The corporation hereby created, may insure on all kinds of property against loss or damage by fire, may make all kinds of insurance against loss on goods, wares and merchandize, in the course of transportation, whether on land or water, from and to any part of the United States, and make such other insurance as the trustees may judge expedient; they may lend money on bottomry and respondentia; and they may also cause themselves to be insured against maratime risk, upon the interest which they may have in any vessels, goods or merchandize, in virtue of any such loans on bottomry or respondentia.

Affairs of company to be managed by five trustees; election of trustees.

Sec. 6. The stock and affairs of said corporation, shall be managed and conducted by five trustees, who shall be stockholders and reside within the state; they shall, after the present year, be elected on the first Monday in January in each year, at such time in the day, and at such place in the village of Adrian as the board of trustees for the time being shall appoint, and shall hold their offices for one year, and until others shall be chosen; and notice of such annual election shall be published for the space of three weeks in one of the newspapers published in said village, and every such election shall be held under the inspection of three stockholders, to be previously appointed by the board of trustees, for that purpose, and shall be made by ballot by a plurality of votes of the stockholders present, allowing one vote for each share, and stockholders not personally attending, may vote by proxy, such proxy being granted directly to the person representing them at such election. In case it shall at any time happen that an election of trustees shall not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall and may be lawful on any other day to hold an election for trustees, in such manner as shall have been regulated by the by-laws and ordinances of said corporation.

President.

Sec. 7. The trustees regularly chosen by the stockholders of said corporation, shall, as soon as may be after every election, proceed to choose out of their body, one person to be president, who shall preside until the next annual election, and in case of the death or resignation of the president, or of any of the trustees of the said corporation, such vacancy or vacancies may be filled by

the board of trustees, and in case of the absence of the president, the board shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

Sec. 8. The stock of the said company shall be assigned [assignable] and transferable according to such rules and subject to such instructions as the board of trustees shall from time to time make and establish, and shall be considered personal property. Transfer of stock.

Sec. 9. The major part of the trustees of said company shall constitute a quorum, and be competent to the transaction of the business of the corporation, and they may, if done in pursuance of a by-law, appoint from their own body one or more persons to act or assist in the management of their business, with such salaries and allowances as they may think proper; also appoint a secretary, and so many clerks and servants for carrying on their business as they shall deem expedient, and they may also declare and make dividends of the profits resulting from the business of said company, and make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said company, the duties, powers and conduct of its officers and servants, the election of trustees, the transfer of shares, the management and conducting of its business, and all matters appertaining thereto. Powers of trustees.

Sec. 10. It shall be lawful for the said corporation to purchase and hold so much real estate as shall be necessary and convenient for the transaction of its business, not exceeding twenty thousand dollars in value, and also take and hold any real estate, or securities bona fide mortgaged or pledged to said corporation, either to secure the payment of any debts that may be due to it, or the payment of the shares of the capital stock, and also to purchase on sales made in their favor by virtue of any judgment at law, or any order or decree of a court of equity or otherwise, to receive and take any real estate in payment, or towards satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently sell and convert the same into money, or other personal property, but not for a longer period than six years: *Provided, always*, That it shall not be lawful for the said corporation to use or employ any part May purchase and hold real estate.

Not to employ funds in buying or selling merchandize, or in banking operations.

of their stock, funds or moneys, in buying or selling any goods, wares, merchandize or commodities whatsoever, or in any banking operations or business, or in trade or business of any exchange or stock-broker, or in the purchase or sale of any stock or funded debt whatsoever, created or to be created by or under any act of the United States, or of this or any particular state, nor to emit any notes or bills or make any contract for the payment of money only except under the seal of said corporation; and all such notes and contracts shall to all intents and purposes be taken as specialities at law; but it shall nevertheless be lawful for the said corporation to purchase and hold any such stock or funded debt as last aforesaid, for the purpose of vesting any part of the capital stock, funds or moneys therein, instead of investing the same in and upon real securities, and also to sell and transfer the same, and again invest the same or any part thereof in the stock or funds whenever and as often as the exigencies of the said corporation or due regard to the safety of its funds, shall require.

By whom policies to be signed.

Sec. 11. All policies or contracts of insurance which may be made or entered into by the said corporation, shall be subscribed by the president or president pro tem., or by such other officer as shall be designated for the purpose by its by-laws and attested by the secretary; and being so signed and attested, shall be binding and obligatory upon the said corporation, without the seal thereof, according to the tenor, intent and meaning of such policies or contracts, and all such policies or contracts may be so signed and attested; and the business of said corporation may be otherwise conducted and carried on without the presence of a board of trustees, by assistants or committees, if done under or in conformity to the by-laws of said corporation; and the acts of such assistants or committees shall be binding and obligatory upon said corporation to all intents and purposes.

Act to be favorably construed.

Sec. 12. That this act shall be favorably construed and taken and received in all courts of justice; and the same is hereby declared to be a public act, and copies thereof printed by the authority of the state, shall be received as evidence thereof.

Legislature may amend or repeal.

Sec. 13. The legislature may at any time alter, amend or repeal this act.

Approved April 17, 1839.

[No. 75.]

AN ACT to attach a certain tract of country to Ottawa county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that part of the state ng immediately north of Ottawa county, and not included in any ganized county, be and the same is hereby attached to Ottawa unty for judicial purposes.

Approved April 17, 1839.

[No. 76.]

AN ACT to amend "An act to incorporate the Mechanics' Society of Detroit.

Part of fifth section of amended act repealed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of the fifth ction of the act to which this is an amendment, as requires that e assent of the said corporation be declared within two months om the time of the passing thereof, be and the same hereby is pealed.

Meeting of corporation to be called.

Sec. 2. That it shall be competent for the proper officer or icers of said corporation, to cause notice to be given in some wspaper printed in Detroit, calling a meeting of the members said corporation, in order that the society may express its termination touching the propositions contained in said act: *ovided*, That such notice shall be published in such newspaper, least three weeks before the time in such notice designated for e meeting of said society: *And prvided also*, That the assent of ch members of said corporation as reside out of Detroit, may be pressed by writing, under their signatures respectively, which id writing shall be duly recorded in the books of said society.

Approved April 17, 1839.

[No. 77.]

AN ACT to provide for the government and discipline of the State Prison.

Location of prison.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be a state rison maintained at Jackson, in the county of Jackson.

Inspectors; their appointment.

Sec. 2. That said prison shall be under the direction and government of three inspectors, who shall be appointed by the governor, by and with the advice and consent of the senate, and they shall hold their respective offices for the term of two years, unless sooner removed by the governor.

To choose one of their number president.

Sec. 3. That said board of inspectors shall from time to time choose one of their number to be their president.

Duty of inspectors.

Sec. 4. The inspectors of the prison shall have power and it shall be their duty, from time to time, to examine and enquire into all matters connected with the government, discipline and police of the prison, the punishment and employment of the prisoners confined therein, the moneyed concerns and contracts for work, and the purchases and sales of the articles produced for such prison, or sold on account thereof, and they may from time to time, require reports from the agent or other officers of the prison, in relation to all or any of said matters.

Deputy and assistant keeper.

Sec. 5. The agent of the prison shall appoint, with the assent of the inspectors, a deputy and assistant keeper, and such guards as may be necessary.

Inspectors to inquire into alleged improper conduct of agent, &c.

Sec. 6. It shall be the duty of the board of inspectors to inquire into any improper conduct which may be alleged to have been committed by the agent or other officers of the prison, and for that purpose the president of the board, or any justice of the peace, may issue subpœnas or other necessary process to compel the attendance of witnesses and the production of papers and writings before them.

May examine witness on oath.

Sec. 7. The inspectors may examine any witness who shall appear before them, on oath, to be administered by the president or one of the said inspectors.

Agent to exhibit to inspectors books, accounts, &c.

Sec. 8. It shall be the duty of the agent and other officers of the prison, to admit the said inspectors, or either of them, into any part of the prison, to exhibit to them or either of them, on demand, all the books, papers, accounts and writings pertaining to the prison, or to the business, discipline, government or management thereof, and to render them any other facility in their power to enable them to discharge their duties.

Inspectors to keep record of their proceedings.

Sec. 9. The board of inspectors shall keep a regular record of their proceedings, which shall be signed by them, and kept in the prison.

Sec. 10. It shall be the duty of the board of inspectors, once a month, to visit the prison and inspect the same, and they shall annually, on the first Monday of January, report to the legislature of the state the condition of the prison and of the persons confined therein; and they shall make a statement of the moneys expended in the support and maintenance of the prisoners, and of all moneys received on sale of manufactures or other articles, and or the labor of prisoners; and generally of all their proceedings during the last year. To visit and inspect prison once a month; report to legislature.

Sec. 11. It shall be the duty of the inspectors to furnish to the legislature, with their annual report, copies of the monthly returns which may be made to them by the agent, on his oath. To furnish legislature with monthly returns of agent.

Sec. 12. The inspectors of said prison shall have stated meetings, to be appointed by them, as often at least as once a month, and a majority shall constitute a quorum for the transaction of business; they shall adopt rules and regulations for the government of the officers of the prison, and all orders, rules and regulations adopted by them and the entries of their proceedings as a board at each meeting, shall be recorded by the clerk of the prison, who shall attend their meetings for that purpose; a printed copy of the general rules and regulations shall be furnished to each of the officers of the prison on his appointment; the agent of the prison may make and issue general and special orders and rules, to be in force till the next meeting of the board, and no longer; all general orders and rules for the government of the subordinate officers of the prison, made by the agent, shall be in writing, and entered by him in a book kept by him for that purpose. The agent or deputy keeper shall also keep a daily journal of the proceedings of the prison, in which shall be entered a note of every infraction of the rules or regulations of the prison, by any officer thereof, which shall come to his knowledge, and a memorandum of every complaint made by any convict, of bad or insufficient food, want of clothing, or of cruel and unjust treatment from his keeper, and this journal shall be laid before the inspectors at every stated meeting. To have stated meetings; adopt rules for prison, &c.; furnish printed copies to officers of prison; authority of agent to make rules. Agent to keep daily journal, &c.

Sec. 13. No inspector of the state prison shall be agent thereof, or be concerned in the business of such agency, or hold any other appointment connected with the prison. No inspector to be agent.

Sec. 14. The inspectors shall be allowed for their services, a sum not exceeding two dollars each, for each day necessarily Compensation to inspectors.

and actually employed in inspecting the prison, and two dollars for each and every twenty miles travel to and from the same, to be audited by the auditor general, and paid out of the treasury on his warrant, but the sum allowed to said board shall not exceed one hundred and fifty dollars per annum.

Officers of prison.

Sec. 15. The officers of the prison shall be as follows: one agent, who, shall be the principal keeper, and shall reside at the prison; one clerk, one chaplain, one physician and surgeon, one deputy keeper, and not exceeding one assistant keeper. The clerk shall be appointed by the governor and senate, and hold his office two years, and in case of the death, resignation or removal of the clerk during the recess of the senate, the said inspectors may supply the vacancy until a successor be appointed and qualified: *Provided*, only so many of said officers as shall from time to time be considered necessary by the inspectors, shall be appointed.

Appointment of clerk.

Clerk to give bond.

Sec. 16. The said clerk, before entering on the duties of his office, shall execute a bond to the people of the state, in the penal sum of five thousand dollars, with two or more sufficient sureties, to be approved of by the inspectors, conditioned for the faithful performance of the duties of his office according to law, and said clerk shall hold his office till another be appointed and qualified; which bond shall be filed in the office of the auditor general.

Appointment of agent, physician and chaplain.

Sec. 17. The agent, physician and chaplain shall be appointed by the inspectors, and shall hold their respective offices during the pleasure of the board of inspectors.

Inspectors to employ guards.

Sec. 18. The inspectors shall, from time to time, employ, arm and furnish such guards as the safety of the prison and prisoners may require, who shall be under the control of the agent of the prison.

Agent to give bond.

Sec. 19. The agent shall, before entering on the duties of his office, execute to the people of the state, a bond, with two or more sufficient sureties, in the penal sum of twenty thousand dollars, to be approved of by the inspectors, conditioned for the faithful performance of the duties of his office, which shall be filed with the auditor general.

Agent, clerk, deputy and assistant keeper to take oath prescribed by constitution.

Sec. 20. The agent, clerk, deputy keeper and assistant keeper, shall each, before entering upon the duties of their respective offices, take and subscribe the oath of office prescribed in the constitution, before any judge or justice of the peace, and the

same shall be filed in the office of the auditor general. Any wilful violation of such oath shall be perjury, and punishable by fine and imprisonment.

Sec. 21. It shall be the duty of the agent:

Duty of agent.

First. To attend constantly at the prison, except when performing some other duty connected with his office.

Second. To exercise a general superintendence over the government, discipline and police of the prison, and to superintend all the business concerns thereof.

Third. To give necessary directions to the keepers, and to examine whether they have been careful and vigilant in their respective duties.

Fourth. To examine daily into the state of the prison, and the health, conduct and safe keeping of the prisoners.

Fifth. To use every proper means to furnish employment to the prisoners most beneficial to the public, and the best suited to their various capacities.

Sixth. To superintend the manufacturing and mechanical business that may be carried on pursuant to law, within the prison; to receive the articles manufactured, and sell and dispose of the same for the benefit of the state.

Seventh. To take charge of the real estate attached to the prison.

Agent may sue and be sued by his name of office.

Sec. 22. All the transactions and dealings on account of said prison, shall be conducted by and in the name of the agent, who shall be capable in law of suing and being sued in all courts and places, in all matters concerning the prison, by his name of office, and by that name the agent shall be, and is authorized to sue for and recover any money or property that shall be due or belong to the people of this state; and any agent after the first that may be appointed, shall have the like power to sue for and recover any property due to any prior agent.

Supplying prisoners with provisions.

Sec. 23. The prisoners confined in prison, shall be supplied with provisions by contract, unless the inspectors shall otherwise direct, to be made by the agent under the direction of the inspectors, upon the cheapest and best terms, at a fixed price per day for each prisoner.

Sec. 24. The articles of food and the quantities of each kind, shall be specified by the agent, and inserted in the contract; and so many rations shall be delivered at the prison daily, or at such

other times as may be agreed on, as there are convicts confine therein: *Provided*, That until the number of prisoners shall ex ceed fifty in number, the agent, with the assent of the inspector in writing, may make such other arrangements for the supply o the prisoners with provisions, as will be most for the benefit o the state.

Ib. Sec. 25. Before any contract for the supply of rations shall b made, except as is mentioned in the proviso in the next preceding section, a notice, stating the number of rations and the quantity and quality of each part of the ration shall be given by publica tion in two or more newspapers, one in the state paper, and on in the county of Jackson, and the others, if any, where the inspec tors shall direct, and the time at which proposals will be received for furnishing the same; and the contracts shall be made with those persons who offer the most advantageous proposals to the state, provided satisfactory security be offered, unless the inspec tors think proper to deliver up all the proposals and advertise anew.

Medicine and hospital stores. Sec. 26. The necessary medecine and hospital stores for the use of the prison, shall be furnished from time to time, as may b requisite, by the agent of the prison, with the advice of the physician and under the direction of the inspectors; and such agent may purchase such raw materials as may be manufactured by the convicts in the prison under his charge, which shall b paid for by such agent, out of any money in his hands belonging to the state.

Raw materials to be manufactured in prison.

No inspector or officer to be interested in contract. Sec. 27. No inspector, agent or any other officer of the prison shall be directly or indirectly interested in any contract, purchase or sale, for, by, or on account of said prison, under the penalty o two thousand dollars for each and every offence.

Duty of agent and clerk to take bills, and keep account of supplies. Sec. 28. Whenever any supplies or materials for the prison shall be purchased, it shall be the duty of the agent to take bill thereof at the time of the purchase, and the clerk shall compar such bills with the articles delivered at the prison, and if foun correct, shall enter them in books to be provided for the purpose and whenever any service shall be rendered for the said prison it shall in like manner be the duty of the agent to take bills there of at the time of making payment therefor; every such bill sha be entered by the clerk, in the books of tion.

Sec. 29. All moneys in the treasury of this state, appropriated for the use of the said prison, shall be drawn by the agent thereof, by drafts upon the treasurer. The agent may draw monthly in advance, such amount of money as the inspectors shall certify to be necessary, over and above the amount of the accounts audited and allowed. Moneys appropriated for use of prison, how drawn.

Sec. 30. Every such draft shall be signed by the agent and countersigned by the clerk of the prison, and shall express in some general terms, the articles or the services and the numbers of the vouchers, for which the same is drawn. Draft therefor, by whom signed, &c.

Sec. 31. It shall be the duty of said agent to keep a regular and correct account of all moneys received by him, from any source whatever, by virtue of his office, including all moneys taken from convicts, or received as the proceeds of property taken from them; and of all sums paid by him, and the persons to whom, and the purposes for which the same were paid, and to take out and deliver to the inspectors or one of them, monthly, on oath, a return of all moneys received and paid by him, on account of the prison, during the preceding month, specifying from whom received, and to whom paid, and on what account, and stating also the balance in his hands at the time of rendering such account. Agent to keep account of all moneys received, &c.

Sec. 32. The agent shall annually, on the last day of October, in every year, close his account, and on or before the first day of December thereafter, shall render to the auditor general, a full and true account of all moneys received by him on account of the prison, and of all the moneys expended by him, for the use thereof, with sufficient vouchers for the same, and also an inventory of the goods and materials and other property of the state, on hand, exhibiting a complete detail of the transactions of the prison for the year. To render account annually to auditor general.

Sec. 33. To the several returns, accounts and inventories required to be rendered by the preceding section, there shall be annexed an affidavit of the agent and clerk of the prison, stating that the same are correct and true in every respect to the best of their knowledge and belief. Agent and clerk to verify same by affidavit.

Sec. 34. It shall be the duty of the auditor general to examine and audit the accounts of the agent, and annually to lay a statement thereof before the legislature. Auditor to lay statement of account before legislature.

Agent to make annual report to inspectors.

Sec. 35. The agent shall, on or before the first day of December, in every year, transmit to the inspectors of the prison a report exhibiting a complete and comprehensive view of the transactions of the prison during the preceding year, of the number of convicts confined therein, the various kinds of business in which they are employed, the number employed in each branch, and the profits to the state, if any, arising therefrom.

Officers to receive no perquisites.

Sec. 36. The agent, keeper and other officers, and the guards of the prison, shall not receive any perquisites, or emolument for their services, other than the compensation allowed by law, except that the agent shall keep his office and reside with his family at the prison, and shall be furnished with fuel and lights from that furnished for the use of the state; the barrack of the guard shall also be furnished from the same source.

Agent annually to report to secretary of state.

Sec. 37. It shall be the duty of the agent annually, on or before the first day of December, to report to the secretary of state, the names of the convicts pardoned or discharged the preceding year from the prison; the counties in which they were tried; the crimes for which they were convicted; the terms for which they were severally committed; the ages and description of their person; and in cases of pardons, the term unexpired of the time for which they were severally sentenced, when such pardons were granted, and the terms upon which (if any,) they were granted.

To receive persons whose sentence has been commuted.

Sec. 38. It shall be the duty of the agent at all times to receive into the prison, on the order of the governor, any person convicted of any crime punishable with death, whose sentence may have been commuted to confinement in the state prison.

When deputy keeper to perform duties of agent.

Sec. 39. Whenever there shall be a vacancy in the office of agent of the prison, or when the agent shall necessarily be absent from the prison, or be unable to execute the duties of the office from any cause, all the duties and power of such agent, so far as the same relate to the safe keeping of the prisoners and the discipline of the prison, shall devolve upon and be executed by the deputy keeper of the prison, until the vacancy be filled or the agent return to the prison.

Duty of physician.

Sec. 40. It shall be the duty of the physician of the prison, to keep a register of all convicts placed under his care, stating the disease with which they are afflicted; his daily prescriptions, and the date of their entering and leaving the hospital; also a

register of the deceased convicts, stating their names, ages, disease, time and cause of death, and all other circumstances which he may deem proper and necesssary, which register shall always remain in the prison and be open to inspection.

Books of accounts, &c. public property, and to remain in prison.

Sec. 41. All books of account, registers and other documents and papers relating to the affairs of the prison shall be considered public property and shall remain therein, and the agent shall preserve at least one set of copies of all official reports made to the legislature respecting the prison and the transactions thereat.

No officer to employ labor of convict.

Sec. 42. No officer of the prison shall employ the labor of any convict upon any work in which he or any other officer shall be interested.

Salaries of officers.

Sec. 43. The officers of the prison shall receive the following salaries and compensations, to be paid quarterly out of the state treasury, on the warrant of the auditor general, that is to say: the agent, the sum of ten hundred dollars; the clerk, the sum of five hundred dollars; the physician, such sum as the inspectors shall allow; the chaplain, a sum not exceeding one hundred dollars per annum; the deputy keeper, a sum not exceeding five hundred dollars; the assistant keeper, such sum, not exceeding three hundred and sixty-five dollars a year, as the inspectors shall agree to pay.

Convicts to be kept at hard labor.

Sec. 44. All convicts in the state prison shall be kept, Sundays excepted, not less than eight hours each day, employed at hard labor during the day time, except when incapable of laboring by reason of sickness or bodily infirmity.

To be kept separate.

Sec. 45. Whenever there shall be a sufficient number of cells in the prison, it shall be the duty of the agent to keep each prisoner in his cell singly at night, and also during the day time when unemployed.

Clothing and bedding.

Sec. 46. The clothing and bedding of the prisoners, at the expense of the state, shall be of coarse materials, manufactured as far as practicable in the prison, and they shall be supplied with a sufficient quantity of wholesome coarse food.

To be furnished with bible.

Sec 47. The agent shall furnish at the expense of the state, a bible to each of the convicts who can read.

Convicts offering violence to keeper, or attempting to escape, &c.

Sec. 48. When several convicts combined, or any convict alone, shall offer violence to any officer or guard of the prison, or to any other convict, or do or attempt to do any injury to the building or any workshop, or any of the appurtenances thereof,

or attempt to escape, or disobey any reasonable command, the officers of the prison shall use all suitable means to defend themselves, to enforce the observance of discipline, to secure the persons of the offenders, and to prevent any such attempt to escape.

Keeper to preserve discipline.

Sec. 49. The keeper shall preserve proper discipline among the convicts under his charge, and may punish them at his discretion for misconduct, in such manner and under such regulations as shall be adopted by the board of inspectors; and any such keeper shall, as soon as the next day after inflicting punishment on any convict, leave with the agent or deputy keeper a written memorandum thereof, signed by him, stating the offence committed and the kind and extent of the punishment inflicted.

Agent to take charge of property of convict.

Sec. 50. It shall be the duty of the agent to take charge of any property which any convict shall have with him at the time of entering the prison; and if the same is worth one dollar or more, the agent shall sell or preserve the same, and place the proceeds thereof at interest for the benefit of such convict or his representatives; and such agent shall keep a correct account of all such property, and shall pay the amount or the proceeds thereof or return the same to the convict when discharged, or to his legal representatives in case of his death: *Provided*, The same be demanded within five years after the death of such convict in prison, and if not so demanded, the same shall be applied to the use of the common school fund.

Convict when discharged to be furnished with clothing and money.

Sec. 51. When any convict shall be discharged from prison, by pardon or otherwise, the agent shall furnish such convict with clothing, (if he be not already provided for,) not exceeding ten dollars in value, and such sum of money, not exceeding three dollars, as the agent may deem necessary and proper.

Letters not to be delivered to convicts, &c.

Sec. 52. No person, without the consent of the agent, shall bring into or carry out of the prison any letter or writing, or any information to or from any convict; and whoever shall violate the provision of this section, shall be deemed guilty of a misdemeanor.

Persons authorized to visit prison at pleasure.

Sec. 53. The following persons shall be authorized to visit the prison at pleasure, namely: the governor, lieutenant governor, members of the legislature, the secretary of state, the chancellor, the judges of the supreme and circuit courts, the attorney general and district attorneys, and any regular officiating minister of the

gospel, and no other persons shall be permitted to go within the walls of the prison where convicts shall be confined, except by the special permission of the agent, or under such regulations as the inspectors shall prescribe.

Copy of sentence to be delivered with convict.

Sec. 54. When any convict shall be delivered to the keeper of the state prison, the officer having such convict in his charge, shall deliver to such keeper the certified copy of the sentence received by such officer from the clerk of the court, and shall take from the keeper a certificate of the delivery of such convict.

Reward for convicts who have escaped.

Sec. 55. Whenever any convict shall escape from the prison, it shall be the duty of the keeper to take all proper measures for the apprehension of such convict, and may offer a reward, not exceeding one hundred dollars, for the apprehension of such convict.

Reward paid out of state treasury.

Sec. 56. All suitable rewards and other sums of money necessarily paid for advertising and apprehending any convict that may escape from the state prison, shall be allowed by the auditor general and paid out of the state treasury.

Pestilence or contagious disease breaking out in prison.

Sec. 57. In case any pestilence or contagious disease shall break out among the convicts in prison, or in the vicinity of the prison, the inspectors of the prison may cause the convicts therein to be removed to some suitable place of security, where such of them as may be sick, shall receive all necessary care and medical assistance, and such convicts shall be returned as soon as safely may be to the prison, and there confined according to their sentence then unexpired.

Convicts sentenced by U. S. courts.

Sec. 58. It shall be the duty of the keeper of the state prison to receive therein and safely keep and subject to the discipline of the prison any criminal convicted of any crime against the United States, sentenced to imprisonment therein by any court of the United States, sitting within this state, until such sentence shall be executed, or until such convict shall be discharged by due course of law, the United States supporting such convicts and paying the expenses of executing such sentence.

When habeas corpus may be granted for convict as a witness.

Sec. 59. If any convict confined in the state prison shall be considered an important witness in behalf of the people of the state, upon any criminal prosecution against any other convict, by the prosecuting attorney conducting the same, it shall be the duty of any officer or court authorized by law to allow writs of habeas corpus, upon the affidavit of such prosecuting attorney, to grant

a habeas corpus for the purpose of bringing up such prisoner, to testify before the proper court upon such prosecution.

When a competent witness.

Sec. 60. Such convict may be examined upon such trial, and shall be a competent witness against any fellow prisoner for any offence actually committed whilst in prison, and while the witness so offered shall have been confined in prison.

Spiritous liquors not to be sold on ground belonging to prison, &c.

Sec. 61. No spiritous or fermented liquors shall, on any pretence whatever, be sold in the state prison, in any building appurtenant thereto, or on the land granted to the state for the use and benefit of the prison, and no such liquors shall be given to or suffered to be used by any convict in the prison, unless he be sick, and then only with the special direction of the physician.

Sheriffs to transport convicts to state prison.

Sec. 62. The sheriff of each county in the state, immediately after the final adjournment of any court in his county, at which convicts shall have been sentenced to the state prison, (or at such other time as the court shall direct,) shall cause such convicts to be safely transported to the state prison, and delivered to the keeper thereof.

To be allowed reasonable compensation therefor.

Sec 63. The respective sheriffs shall be allowed a reasonable compensation for their expenses and trouble, in transporting such convicts to the state prison; the accounts of the respective sheriffs to be certified by the agent.

Part of forty-third section not to take effect immediately.

Sec. 64. So much of the forty-third section of this act as provides for the compensation of the agent and chaplain of the prison, shall not take effect until such appointments be made, and that in the mean time the acting commissioner for the building of the prison shall perform the duty of agent and keeper.

Approved April 17, 1839.

[No. 78.]

An Act regulating sales at auction, and for other purposes.

Part of chapter eight, title five, part one, revised statutes, (p. 104,) and chapter two, title seven, part one, (p. 149,) repealed.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That all that portion of part first of title fifth of chapter eight of the revised statutes, embraced and contained within the tenth and twenty-third sections, both inclusive, and the second chapter of part first of title seventh, be and the same are hereby repealed.

Auctioneers.

Sec. 2. Any citizen of the state of Michigan may become an auctioneer, and may legally transact the business and perform the duties of an auctioneer within the county in which he resides, on executing and depositing with the treasurer of his proper county, a bond, with two sufficient sureties, to be approved by said treasurer, in the penal sum of two thousand five hundred dollars, conditioned for the payment of all auction duties, in manner prescribed in the following sections.

To make out account of sales.

Sec. 3. Every auctioneer who shall have entered into the bond required by the above section, shall make out in writing a half early account, dated on the first days of April and October in each year, unless said auctioneer shall reside in either of the cities of this state; then, in that case, a monthly statement or account, dated on the first Monday of each month, and shall therein state minutely and particularly,

First. The sums for which any goods or effects shall have been sold at every auction held by him, from the time of his entering into such bond, or the date of his last account or statement.

Second. The days on which sales were so made, and the amount of each day's sale.

Third. The amount of duties chargeable under the provisions of this act.

Account to be forwarded to auditor general.

Sec. 4. Every such account, written ten days after the day on which it is dated, shall be exhibited, if made out by an auctioneer residing in a city, to the mayor or recorder of such city, and if by an auctioneer residing in a county, to the treasurer of said county, whose duty it shall be to forward the same forthwith to the office of the auditor general of this state.

To be sworn to.

Sec. 5. Every auctioneer so exhibiting such account, shall take and subscribe an oath or affirmation to the correctness of such account, before the officer to whom such statement is made or account exhibited.

Articles subject to duty.

Sec. 6. The following articles shall be subject to pay the following duties if sold at auction, and no others:

First. All ardent spirits, wines, or intoxicating liquors, whether foreign or domestic, shall be liable to and pay a duty of two and a half per cent.

Second. All goods, wares and merchandize of every description, imported from without the jurisdiction of the United States, to a duty of one and a half per cent at each and every time they are so exposed for sale.

When exempt therefrom.

Sec. 7. Goods and chattels otherwise liable to auction duties shall be exempt therefrom if sold under the following circumstances:

First. If they shall belong to the United States or to this state.

Second. If they shall be sold under any judgment or decree of any court of law or equity, or under a seizure by any public officer, for or on account of any forfeitures or penalty, or for a distress of rent.

Third. If they shall belong to an estate of a deceased person, and be sold by his or her executors or administrators, or by any person duly authorized by any judge of probate.

Fourth. If they shall be the effects of a bankrupt or insolvent, and be sold by his assignee appointed pursuant to law, or by a general assignment for the benefit of all the creditors of such bankrupt or insolvent.

Duties, how calculated, and to whom paid.

Sec. 8. All duties shall be calculated on the sums for which the goods so exposed for sale shall be respectively struck off, and shall be paid in all cases by the person making the sale, to the respective county treasurers, who shall account for the same to the auditor general.

Goods to be struck off to highest bidder.

Sec. 9. All goods or other articles liable to pay duties under the provisions of this act, shall in all cases be struck off to the highest bidder, and when the auctioneer or owner, or any person employed by them or either of them, shall be such bidder, they shall be subject to the same duties as if struck off to any other person; but this section shall not be construed to render valid any sale that would otherwise be deemed fraudulent and void.

Articles not liable to pay auction duty may be sold at auction by any citizen.

Sec. 10. Nothing contained in this act shall be so construed as to prevent any persons, citizens of this state, from selling at auction any article or thing not liable to pay duty by the provisions of this act, without giving the bond required by the several sections of this act.

Act take effect.

Sec. 11. This act shall take effect from and after its passage.

Approved April 16, 1839.

[No. 79.]

An Act to provide for the laying out and establishing certain State Roads.

From Ingham county to Leslie.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Henry Fisk, Benjamin Davis and Amos E. Steele, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at a certain point upon the west line of Ingham county, where the state road laid out and established from Bellevue to the west line of Ingham county terminates, thence in an easterly direction to the mills in Leslie, on the most eligible route, until said route shall intersect the Grand river turnpike, at or near the village of Pinckney, in the county of Livingston.

Mason to Little Rapids.

That Hiram Converse, Joshua North, and Frederick Luther, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at the village of Mason, in the county of Ingham, thence on the most eligible route to the Little Rapids, on the Grand river, terminating on sections twenty or twenty-one, township four north, of range number two west.

Marshall to Bellevue.

Sec. 2. That there shall be laid out and established a state road, beginning at some point in or near the village of Marshall, in Calhoun county, and running thence north northwesterly, by the most eligible route, to the quarter stake of sections twenty-one and twenty-two, in township one south, of range six west, from thence, by the most eligible route, to the village of Bellevue, in the county of Eaton, and Horatio Hickok, Martin Brackett and Isahel Hawkins, be and they are hereby appointed commissioners for that purpose.

Jonesville to Concord, thence to Grand river turnpike.

Sec. 3. That there shall be laid out and established a state road, commencing at Jonesville, in the county of Hillsdale, running from thence northerly on section lines, as far as the same may be practicable and expedient, to the village of Concord, in the county of Jackson; thence north to the mouth of Spring brook, which empties into Grand river, and from thence north on section lines where practicable, crossing Grand river to the route of the Grand river turnpike, running from Detroit to the mouth of Grand river; and Hiram Thompson, Warner G. Hodge and Henry Turner be and they are hereby appointed commissioners to lay out and establish said road.

Battle Creek to Tekonsha.

Sec. 4. There shall be laid out and established a state road, from the village of Battle Creek, in the county of Calhoun, to Tekonsha, in said county, to be located on the most direct and eligible route; and Moses Hall, of Battle Creek, Cornelius Wendell and Samuel Hernway, jr., of Tekonsha, be and they are hereby appointed commissioners to lay out and establish said road.

Tekonsha to Adrian.

Sec. 5. There shall be laid out a state road from Tekonsha, in the county of Calhoun, to Adrian, in the county of Lenawee, which shall run on the most direct and eligible route; and Harris C. Goodrich, Samuel Hernway, jr. and Addison J. Comstock, be and they are hereby appointed commissioners for that purpose.

Union city to Jonesville.

Sec. 6. That there shall be laid out and established a state road, commencing at Union City, in the county of Branch, thence in an easterly direction on or near the county line to where said line shall cross the St. Joseph river, in the county of Hillsdale, thence on the most eligible route, on the east side of the St. Joseph river, to Jonesville, in the county of Hillsdale; and that Samuel Olds, Hervey Smith and John G. Gardner, be and they are hereby appointed commissioners to lay out and establish said road.

Chicago road in Somerset to Indiana road near little St. Joseph.

Sec. 7. That there shall be laid out and established a state road, beginning at the Chicago road, in the town of Somerset, in the county of Hillsdale, at or near the house of Elias Branch, running through the village of Hillsdale, and intersecting the Indiana road at or near the place where it crosses the Little St. Joseph, in township eight south, of range three west; and that Zacharia Vanduzer, Elias Branch and Salmon Sharp, be and they are hereby appointed commissioners for that purpose.

South line of Clinton county to Mason.

Sec. 8. There shall be laid out and established a state road, commencing at or near a certain point where the Jackson and Grand river road forms a junction with the south line of the county of Clinton, thence to the village of Mason, in the county of Ingham; and that Horace Havens, Hiram W. Smith and Benjamin Davis, be and they are hereby appointed commissioners to lay out and establish said road.

Kalamazoo to Grand Rapids.

Sec. 9. There shall be laid out and established a state road, commencing at the village of Kalamazoo, in Kalamazoo county, thence on the most eligible route to the Grand Rapids, in the county of Kent; and that Pierce Barber, of Kalamazoo, Friend Ives, of Plainfield, and David E. Deming, of Cooper, be and they are hereby appointed commissioners to lay out and establish said road.

Flint via Atlas, Groveland, &c., to Pontiac.

Sec. 10. There shall be laid out and established a state road, commencing at or near the county seat of Genesee county, thence on the most direct and eligible route for a road, through the townships of Atlas, Groveland and Brandon, Independence, and thence on the most direct and and eligible route to the village of Pontiac; that Norman Davison, Charles C. Waldo and Lemuel M. Partridge, be and they are hereby appointed commissioners to lay out and establish said road.

Location of road from Dexter to Lyons to be changed.

Sec. 11. That the commissioners of highways for the township of Dexter, be and they are hereby authorized and required to make such alterations as they may deem necessary in the location of the state road from the village of Dexter to Lyons, which is located in township one south, of range four east, commencing at a five mile stake on the Grand river road, near the dwelling house of Henry Warner, in said town, thence to a point on section thirty, where said road branches off from the Grand river road, thence to a point of intersection with the territorial road to Dexter, on section eighteen.

Commissioners of highways for Bainbridge, authorized to alter location of a territorial road in their township.

Sec. 12. That the commissioners of highways for the township of Bainbridge, in the county of Berrien, be and they are hereby authorized and required, if in their judgment the same shall be deemed necessary and proper, to alter that part of the territorial road located in said township of Bainbridge, commencing at a point on sections seventeen and twenty, where said territorial road crosses the section line between said sections seventeen and twenty, or as near as practicable, thence through sections twenty-one, twenty-two and twenty-three, and a part of twenty-four, near the head of a small lake on said section; the alteration contemplated by the bill, to commence at the point mentioned on sections seventeen and twenty, thence on the section line to the head of the lake above designated, to form a junction with the old line of road at or about the head of said lake.

Titabawassa river to mouth of Chippewa river.

Sec. 13. That Luke Wellington, Charles Cronckwright and William H. Nelson, be and they are hereby appointed commissioners to lay out and establish a state road, commencing upon the east bank of the Titabawassa river, from the south part of town thirteen north, of range three east, thence on the east side of said river to the mouth of Chippawa river, and from thence on the most direct and eligible route to the mouth of Salt river.

Lapeer to Pontiac.

Sec. 14. There shall be laid out and established, a state road from the village of Lapeer, in the county of Lapeer, on the most eligible route through the township of Hadley, to the village of Pontiac, in the county of Oakland, and Price B. Webster, E. A. Brawnell, and Jesse Decker, be and they are hereby appointed commissioners for that purpose.

Time extended to lay out road from Marshall to Allegan.

Sec. 15. The time for laying out and establishing a state road from Marshall, Calhoun county, to Allegan, be continued to the first day of March, in the year eighteen hundred and forty, and that David N. Salter, Silas F. Littlejohn and Cephas A. Smith, be and they are hereby appointed commissioners to lay out and establish said road.

Medina to Napoleon.

Sec. 16. There shall be laid out a state road from the village of Medina, in the county of Lenawee, to the village of Napoleon, in the county of Jackson, and John Babcock, George Hawkin, of Lenawee county, and F. C. French, of Jackson county, be and are hereby appointed commissioners to lay out and establish said road.

Palmer to Gratiot turnpike.

Sec. 17. There shall be laid out and established a state road commencing at the village of Palmer, in the county of St. Clair, running from thence by the way of Gallager's mills, to the Gratiot turnpike, in the county of Macomb, and that H. N. Munson, Clark Warden and James B. Woolverton, shall be and they are hereby appointed commissioners for that purpose.

Sec. 2d of act 28 Feb., '38, amended.

Sec. 18. The second section of the act entitled "An act to lay out and establish certain state roads, and for other purposes," approved February the twenty-eighth, eighteen hundred and thirty-eight, be so amended that John W. Bradley and Frederick Ingram of the county of Barry, Orran Oritan, A. P. Becker of the county of Allegan, be and are hereby appointed commissioners in addition to those already appointed by the act to which this is amendatory; that any two of said commissioners shall be competent to lay out and establish said road or any part thereof, provided that a majority of said commissioners shall sign a certificate of such laying out and establishing of said road, and deposite the same with the several county clerks of the counties through which said road shall pass, to be by them kept on file in their respective offices.

Com'rs of Grass lake authorized to make alterations in road leading from Detroit to St. Joseph.

Sec. 19. The commissioners of highways for the township of Grass Lake, in the county of Jackson, be and they are hereby authorized to make such alterations in the territorial road running from the city of Detroit to the mouth of the St. Joseph's river, in the township of Grass Lake, as by them shall be deemed proper and necessary to be made, such alteration to be approved of by the county commissioners and by them placed on file in the county clerk's office.

Alterations in road from Jackson to White Pigeon.

Sec. 20. The commissioners of highways of the township of Tekonsha, in the county of Calhoun, and the highway commissioners of Union and Sherwood townships, in the county of Branch, are hereby authorized to make such alterations in the state road from Jackson to White Pigeon in said townships, as the public good may require, the same to be approved of by the county commissioners of said counties and recorded in the clerk's offices of said counties respectively.

Grand rapids to Muskego lake.

Sec. 21. That Robert Hilton, Israel V. Harris and A. P. Bryant, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at Grand Rapids, Kent county, on the north side of Grand river, thence through the township of Tallmadge via Nortonville [to] Muskego lake, in the county of Ottawa.

Owasso to Rochester colony.

Sec. 22. That Samuel Barker, Charles Baldwin and John Ferdon, be and they are hereby appointed commissioners to lay out and establish a state road, commencing at the village of Owasso, in the county of Shiawassee, and running thence on the most direct and eligible route by the way of Rochester Colony, so called, to a certain point of intersection with a state road, running from Ionia to the Rochester Colony, at or near the dwelling house of Hiram Benedicks, in township eight north, of range three west.

Newport to Chicago turnpike, at or near Saline.

Sec. 23. There shall be laid out and established a state road from the village of Newport, in the county of Monroe, westerly, to intersect the Chicago turnpike at or near the village of Saline, in the county of Washtenaw; William White, John M. Beaubien and David B. Hicks, be and they are hereby appointed commissioners for that purpose.

Pontiac via Meadville and Battise Trail to Jackson.

Sec. 24. That a state road shall be laid out and established, commencing at the village of Pontiac, in the county of Oakland, thence on the most direct and eligible route through the county

of Livingston by the way of Meadville, to what is called the Battise Trail in the township of Stockbridge, Ingham county: thence on the most direct and eligible route to the village of Jackson, in the county of Jackson; that Solomon Sutherland, Thomas Godfrey, Mason Branch, be and they are hereby appointed commissioners to lay out and establish said road.

No road to be laid out after 1st January, '42.

Sec. 25. No roads shall be laid out under the provisions of this law after the first day of January, eighteen hundred and forty-two.

Assessment of damages on the laying out of roads.

Sec. 26. That in all cases in which damages may be claimed by reason of the construction of any public road through or over the land of any individual proprietor, and the same are assessed by any board of commissioners or others, the same assessments shall not be paid if such proprietor shall feel aggrieved thereby, but such proprietor shall have the right to appeal from such decision to the circuit court next to be holden in and for the county in which such road shall be, whereupon such court shall cause the same damages to be assessed by a constitutional jury, and every assessment of damages heretofore assessed by persons not being a constitutional jury, in favor of any landed proprietor, by reason of any public road through or over his land, shall be considered as abandoned, unless such damages shall have been paid and the road opened within one year from and after the said assessment: *Provided*, That the provisions of this act shall not effect the location of any road heretofore made according to law.

State not to pay expenses or damages.

Sec. 27. That in all cases in which damages may be claimed by reason of the construction of any public road, no part of the expenses in laying out and establishing said roads or in making any alterations contemplated by any of the provisions of this act, shall be deemed chargeable to or paid from the state treasury.

Act to be in force two years.

Sec. 28. This act shall be in force for two years from and after its passage.

Approved April 18, 1839.

[No. 80.]

An Act to provide for the draining of swamps, marshes and other low lands.

Person wishing to open ditch through lands of another to make application to justice of peace.

Section 1. *Be it enacted by the Senate and House of Representatives of the State* [*of*] *Michigan*, That any person owning any swamp, bog meadow, or other low land, who shall be desirous to drain such land, and who shall deem it necessary, in order thereto, that a ditch or ditches shall be opened through lands belonging to other persons, in case the owners of any such lands shall refuse to permit the opening of such ditch or ditches through the same, may apply to any justice of the peace residing in the township where such land shall lie, for such summons as is herein specified.

Justice to issue summons.

Sec. 2. The justice to whom such application shall be made, shall thereupon issue a summons, directed to the sheriff or any constable of the same county, requiring him to summon twelve reputable freeholders of said county, who are not interested in said lands, nor in any of them, nor in any wise of kin to either of the parties, to be and appear on the premises at a certain time to be specified in such summons, not less than ten nor more than twenty days from the date thereof. The summoners [summons] shall also direct the constable to give at [least] six days notice to the owners of such lands of the time at which such jury are to appear.

Summons, how executed.

Sec. 3. The officer to whom such summons shall be delivered, shall execute the same by summoning such jurors, in the same manner and with the like authority as upon venires issued in causes pending before justices of the peace, and shall, in like manner, make return thereof, and of the fact of his having given the [notice] therein required.

Jurors to be sworn.

Sec. 4. The justice shall attend at the time and place specified in the summons, and if it appear that due notice has been given, as required in the summons, and if twelve freeholders as above specified, shall then and there appear, he shall administer an oath or affirmation to each of them, well and truly to examine and certify in regard to the benefits or damages which will result from the opening of such ditch or ditches.

Map to be delivered to jury; jurors personally to examine premises.

Sec. 5. The person applying to have such ditch or ditches opened, shall then deliver to the jury a map of the land through which the same are to be opened, on which map the plan, length, width and depth of such ditch or ditches, shall be particularly designated. The jury shall personally examine the premises, and hear any reasons that may be urged in regard to the question submitted to them; and they may, if they think proper, vary the plan or dimensions of any ditch so proposed to be opened; but in such case they shall designate on said map the alterations made by them.

Inquisition of jury.

Sec. 6. If, after taking all the circumstances into consideration, the jury shall be satified that the opening of such ditch or ditches is necessary and proper, they shall so certify by inquisition in writing; and if so satisfied, they shall further certify by such inquisition, that the benefits which will accrue to the owner of the lands from the opening of such ditch or ditches, will or will not be equal to any damages that he will sustain hereby; and if such benefits shall be certified not to be equal to the damages, the jury shall assess the damages which, in their judgment, will be sustained therefrom by such owner, and certify the same in like manner. Every such inquisition shall be signed by all the jurors, and delivered to the justice; and the justice, constable and jurors shall be entitled to receive the same fees for their services, under and by virtue of the provisions of this act, as they are entitled to receive for services in cases tried before justices of the peace.

Fees.

On payment of damages and costs applicant may proceed to open ditch.

Sec. 7. Upon payment of the damages assessed by the jury, and the costs of such assessment, or if no damages shall have been found by them, upon payment of the costs of the proceedings, and the delivery of the certificate of the jury to the justice, it shall be lawful for the person applying for such summons to enter with his servants, teams, carriages and other necessary implements upon such lands, and then and there cut and open such ditch or ditches as were designated on the said map, according to the plan and dimensions therein specified and adopted by the jury, not deviating materially from such dimensions.

Clearing out ditch.

Sec. 8. After such ditch or ditches shall have been opened, it shall be lawful for the said applicant, his heirs and assigns, for ever thereafter, from time to time, as it shall become necessary, to enter upon the lands through which such ditch or ditches shall

have been opened, for the purpose of clearing out and scouring the same, and then and there to clear out and scour such ditch or ditches in such manner as to preserve the original length, depth and width thereof.

Obstructing or injuring ditch.

Sec. 9. Any person who shall dam up, obstruct, or in any way injure any ditch or ditches so opened, shall be liable to pay to the person owning or possessing the swamp, bog meadow, or other low land, for the draining of which such ditch or ditches shall have been opened, double the damages that shall be assessed by the jury for such injury; and in case of a second offence by the same person, treble such damages.

Map and inquisition to be filed with township clerk.

Sec. 10. The justice before whom such proceedings shall be had under this act, shall cause the map delivered by the applicant, and the inquisition of the jury, which he shall certify to have been taken before him, to be filed in the clerk's office of the township wherein the premises shall be situated, to be kept in the said office as a record of the proceedings between the parties.

Not to enter upon improved lands between the first of May and Sept.

Sec. 11. No person or persons who may be authorized, under the provisions of this act, to enter upon lands for the purpose of cutting such ditch or ditches as aforesaid, shall so enter upon any improved lands between the first day of May and the first day of September: *Provided*, It shall be competent at all times for such person or persons to enter on such lands for the purpose of removing obstructions in such ditch or ditches.

Approved April 18, 1839.

[No. 81.]

An Act to provide for the payment of the expenses of the survey of a railroad from Centreville to Niles.

Auditor general to draw warrant therefor.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the auditor general be authorized, and he is hereby directed to audit and draw his warrant on the state treasurer in favor of Levi S. Humphrey, acting commissioner on the southern railroad, for the amount of the expense of the survey of a railroad from Centreville, through Lockport, Geneva and Cassopolis to Niles, made pursuant to a resolution of the legislature, approved the 3d April, 1838; which warrant shall be paid out of any money in the treasury belonging

to the internal improvement fund, appropriated or which ma
appropriated on the southern railroad.

Sec. 2. This act shall take effect and be in force from and
its passage.

Approved April 18, 1839.

[No. 82.]

AN ACT to authorize the loan of a certain sum money to the White Pigeon beet sugar compan

Superintendent of public instruction to make loan out of university and school fund.

Section 1. *Be it enacted by the Senate and House of Repres tives of the State of Michigan*, That the superintendent of p instruction be and he is hereby authorized to loan to the W Pigeon beet sugar company, of the county of St. Joseph sum of five thousand dollars, out of the funds arising from sa university or school lands, so soon as that amount shall come his hands that can, in his estimation, be consistently so loa *Provided*, Said company shall secure the payment thereof, also, the payment of the interest thereon annually, by mort on unincumbered improved real estate to double the amou the sum so to be loaned; which valuation of said land be made by said superintendent at the expense of said comp *Provided*, The said superintendent shall not make the loan vided for in this act, until all other loans previously made be provided for, nor so as in any way to lessen the sum or s to be distributed among the several school districts.

Approved April 18, 1839.

[No. 83.]

AN ACT to provide for the apportionment of a assessed in Berrien county, amongst the sev school districts in said county.

Preamble.

Whereas it is provided in the constitution, "That the proceeds of all fines assessed in the several counties for any br of the penal laws, shall be exclusively applied to the suppc (school district) libraries:" and whereas it is provided in th

vised statutes, that no library money shall be apportioned to any school district that shall not have imposed a tax sufficient for the purchase of a suitable library case, and raised a sum not exceeding ten dollars annually for the purchase of books; and whereas there is no official information before this legislature that any of the school districts in the county of Berrien have complied with said provisions, (no returns from said county being embraced in the last annual report of the superintendent of public instruction;) and whereas a fine of one thousand dollars was imposed in said county of Berrien at the late fall term of the circuit court in said county; therefore,

Superintendent of public instruction to give orders to county treasurer for distribution.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the superintendent of public instruction be and he is hereby authorized and required to issue the necessary orders to the county treasurer of Berrien county, and other officers on whom any duty is imposed by law relative to the distribution of library money, to proceed in the same manner as if all the school districts in said county had complied with all the provisions of law entitling them to an apportionment of said library money.

Sec. 2. This act shall take effect from and after its passage.

Approved April 17, 1839.

[No. 84.]

An Act to authorize certain persons to administer oaths.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county clerks of this state and their deputies respectively, and all justices of the peace, are hereby authorized to administer oaths and take affidavits and depositions.

Sec. 2. This act shall take effect from and after its passage.

Approved April 19, 1839.

[No. 85.]

An Act to authorize the county commissioners of Washtenaw county to loan money.

To borrow money.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county commissioners of the county of Washtenaw, be and are hereby authorized to borrow, on the credit of the county, at an interest not exceeding seven per cent, and for a term not more than ten years, a sum of money not exceeding five thousand dollars, for the purpose of finishing a jail erected in said county.

When borrowed to be paid into county treasury.

Sec. 2. Whenever said board of county commissioners shall have negotiated for, and shall have obtained any sum of money for the purpose above specified, the same shall be paid into the treasury of the county, to be drawn therefrom by the said commissioners, for the purpose of completing the jail in said county, in the same manner and under the same restrictions as is provided for in the case of other moneys in the treasury, by the laws now in force.

Payment of principal and interest.

Sec. 3. The said board of commissioners are hereby authorized and it is made their duty, to provide for the payment of such money, whether the principal or interest, that may accrue under the aforesaid loan, in the same manner as is provided for in the case of other contingent expenses of said county.

Approved April 19, 1839.

[No. 86.]

An Act to amend "An act incorporating the village of Romeo, county of Macomb," approved March 9, 1838.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That so much of section one of the act entitled "An act to incorporate the village of Romeo, county of Macomb," approved March 9th, 1838, as includes within the corporate limits of said village, the south half of section two, and the east half of section three, in the township of Washington, and the south east quarter of section thirty-four in the township of Bruce, in the county of Macomb, be and the same is hereby repealed.

Approved April 19, 1839.

[No. 87.]

An Act relative to township assessments and the returns thereof.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That hereafter every piece or parcel of land to be assessed for taxation, shall, by the several township assessors, whose duty it may be to assess the same, be appraised at its actual cash value at the time, reference being by them had to the buildings and improvements thereon, as also to its relative location, proximity to commercial towns, villages, mills, roads, or other public improvements. Lands to be appraised at actual cash value.

Sec. 2. So much of section four of chapter one of title five, part first of the revised statutes, as exempts from taxation improvements made, or buildings erected, on lands for farming purposes; and so much of section two of chapter two of title five, aforesaid, as requires that no land shall be assessed at less than two dollars and a half per acre, be and the same is hereby repealed. Part of sec. 4, chap. 1, title 5, part 1, revised statutes, (p. 76,) and sec. 2, chap. 2, same title, (p. 79,) repealed.

Sec. 3. Section thirteen of chapter two, and title five of part first of the revised statutes, be and is hereby so amended as to make it the duty of the various township clerks to deliver the assessment rolls for their respective townships, together with the statement in said section required therewith to be made to the county commissioners on or before the last Monday of June in each year. Sec. 13, ch. 2, title 5, part 1, R. S. (p. 83,) amended.

Approved April 19, 1839.

[No. 88.]

An Act to provide for regulating the terms of circuit courts in certain counties, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the terms of the circuit court in the counties of Wayne, Monroe, Washtenaw, St. Clair, Macomb and Ottawa, shall be held as follows: in the county of Wayne, on the fourth Tuesday of April and on the Tuesday next after the second Monday in November in each year; in the county of Monroe, on the first Tuesday of June and December in In Wayne, Monroe, Washtenaw, St. Clair, Macomb and Ottawa.

each year; in the county of Washtenaw, on the first Tuesday of May and December in each year; in the county of St. Clair, on the third Tuesday of April and second Tuesday of October in each year; in the county of Macomb, on the second Tuesday of April and third Tuesday of October in each year after the year eighteen hundred and thirty-nine; in the county of Ottawa, on the fourth Tuesdays of May and October in each year.

In Oakland.

Sec. 2. That so much of any law as requires a circuit court to be held in the county of Oakland, in July and December, be, and the same is hereby repealed, and hereafter the circuit court in said county shall be held on the second Tuesdays of October and March in each year.

Term in Wayne to be holden in April, '39.

Sec. 3. That the next term of the circuit court of Wayne county to be holden as aforesaid on the fourth Tuesday of April instant, shall be for the trial and disposition of criminal cases and for the argument and disposition of such questions of law, as said court, by rules of court, may provide for, not inconsistent with the object of clearing the jail of said county, and disposing of the criminal business, provided that nothing herein contained shall be construed to prevent the rendition of judgments by confession or default.

Process continued.

Sec. 4. All process issued before the passage of this act, shall be returnable at the next terms respectively as herein established, and such process shall be as valid as if no alteration had been made in the terms of the said courts, and all other proceedings shall be as valid and be had in like manner as if the terms of said court had remained as hitherto established by law.

Repealing clause.

Sec. 5. All acts, or parts of acts, or rules or [of] any court coming within the proviso of, or contravening the provisions of this act, be and the same are hereby repealed.

Act take effect.

Sec. 6. This act shall take effect from and after its passage.

Approved, April 19, 1839.

[No. 89.]

AN ACT to authorize the commissioners of internal improvements to alter the location of the southern railroad, between the villages of Centerville and Niles.

Location to pass through Lockport or Three rivers.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the board of commissioners of internal improvements be, and they are hereby directed and required so to change the location of the southern railroad, between the villages of Centerville and Niles, as to pass through the villages of Lockport or Three Rivers, and thence on the most eligible route through the county of Cass, at or near Cassopolis to Niles.

To file correct maps thereof in the office of secretary of state.

Sec. 2. That as soon as the board shall determine on the location as provided in the first section of this act, they shall cause to be filed in the office of the secretary of state, correct maps of the survey, with their doings endorsed thereon, and from the time of filing such maps the said railroad shall be deemed to be located and established on such line as shall be designated on said map by the board, any law to the contrary notwithstanding.

Approved April 19, 1839.

[No. 90.]

AN ACT to provide for the location of the seat of justice in the county of Ottawa.

Governor to appoint com'rs for that purpose.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor shall appoint three suitable disinterested persons as commissioners to locate and establish the county seat for the county of Ottawa, who shall meet at such time and place as he may designate in said county, and after being duly sworn faithfully and impartially to discharge the duty assigned them, and that they are not directly or indirectly interested in making said location, they shall proceed to examine the several places proposed in said county, and shall establish said county seat at such place as they or a majority of them shall consider for the best interests of said county, taking into consideration its present and future population.

County treasurer to pay com'rs.

Sec. 2. Said commissioners shall each be allowed the sum of three dollars per day, for every day necessarily employed as aforesaid, an account for which shall be made out and sworn to by each commissioner, and which shall be paid to him or his order. by the treasurer of said county, out of the first moneys which shall come into his hands, and shall have precedence over other claims.

Certificate of location.

Sec. 3. Said commissioners shall transmit a certificate of the location of said county seat to the governor, within ten days thereafter, under their hands and seals; and if it appear that they have been paid for their services, the governor shall thereupon order the same to be recorded, in the office of secretary of state, and said location shall thereupon be considered as the lawfully established county seat for said county, and notice thereof shall be published in the state paper.

Approved April 19, 1839.

[No. 91.]

AN ACT to provide for the recording of town plats, and for vacating the same in certain cases.

Map of town to be recorded before any lots are sold.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That whenever any town shall be hereafter laid out within this state, the proprietors of such town shall cause a true map or plat thereof to be recorded in the registry of the county where the same lies, before any lot or lots therein be offered for sale; and if any person or persons shall sell or offer for sale any lot or lots within such town, before the same be recorded as aforesaid, such person or persons shall forfeit and pay a sum of ten dollars, for every lot so sold.

Contents of map; when recorded to vest certain rights in county.

Sec. 2. That such maps or plats as are by this act required to be recorded, shall particularly set forth and describe all the public grounds within such town, by its boundaries, courses and extent, and whether it be intended for streets, alleys, commons, or other public uses, and all the lots intended for sale, by progressive numbers, and their precise length and width; and the maps made and acknowledged before a justice of the peace, a notary public of the proper county where the town lies, or before any judge of any court of record, and certified under the hand and seal of the judge,

† This act is the ... early the ... the ... of ... Law ... of ... Law.

justice or notary public taking such acknowledgment, and recorded, shall be deemed a sufficient conveyance, to vest the fee of such parcels of land as therein expressed, named or intended to be for public uses, in the county in which such town lies, in trust to and for the uses and purposes therein named, expressed or intended, and for no other use or purpose whatever.

Recording maps that do not comply with original articles of sale.

Sec. 3. That if any proprietor or proprietors, their agent or attorney, shall cause any map of a town to be recorded as aforesaid, which does not set forth and describe in manner aforesaid, all and every parcel of ground which has been or shall be promised or set apart by the original articles of sale for public uses and other lots, such person or persons shall forfeit and pay double the value of the ground so promised and not set forth on the map, three-fourth parts thereof to the use of the county where such town lies, for the express purpose of purchasing ground within and for the use of such town, in lieu of that which was so promised, and the other fourth part to the use of the person prosecuting.

Circuit court may alter or vacate town plat.

Sec. 4. That the circuit courts in and for the several counties, are hereby authorized and empowered, on application made by the proprietor or proprietors of any town within their proper county, to alter or vacate the same, or any part thereof.

Notice of application to court for that purpose.

Sec. 5. That if any proprietor or proprietors of a town shall be desirous of altering or vacating the same, or any part thereof, such proprietor or proprietors shall give notice in writing, of such intended application, in at least two places in the county wherein such town may be situated, one to be set up in the most public place in said town, and one on the court-house door of the said county, and insert a copy of the same in a newspaper, printed or in circulation in the said county, at least sixty days prior to the sitting of the court to which he, she, or they, intend to make such application.

When application to be granted.

Sec. 6. That if such applicant or applicants shall produce to said court satisfactory evidence that the notice required by the preceding section of this act, has been given, and that all persons, owning any lot or part thereof in said town, have agreed that the whole or a part thereof shall be altered or vacated, or that there is no reasonable objection to making such alteration, the court shall proceed to alter or vacate said town or any part thereof, and order their proceedings therein to be recorded by their clerk,

with the record of said court: *Provided*, That the vacating of any town plat, or any part of a town plat, shall not vacate any part of a state or county road.

Record of court to be recorded by county register.

Sec. 7. That the clerk of said court shall give to the applicant a certified copy of such record, for which he shall be entitled to receive the sum of one dollar; and it shall be the duty of such applicant to have such certificate recorded by the register of the county, within six months thereafter.

Forfeitures how to be recovered.

Sec. 8. That the several forfeitures arising under this act, may be recovered in an action for debt, by any person who shall sue for the same, before any court having cognizance of the same; and in any action to be brought for any penalty incurred under this act, where judgment shall be given for the plaintiff, the court shall award to him his legal costs of suit, and if in any case the body of a proprietor cannot be found, the property of such proprietor shall be liable to be attached as for any other demand, and where any forfeitures are not, by this act, otherwise appropriated, three-fourth parts shall be applied to and for the use of the county in which they accrue, and the one-fourth part to the use of the person prosecuting for the same.

Approved April 19, 1839.

[No. 92.]

An Act supplementary to "An act authorizing the building of the state penitentiary."

Governor to negotiate loan.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor of the state is hereby authorized and directed in the name and in behalf of the people of this state, to negotiate a loan of forty thousand dollars, redeemable at the pleasure of the state, at any time after the expiration of twenty years from and after the first day of January, eighteen hundred and forty, at an interest not to exceed six per cent per annum, payable half yearly, said loan to be expended for the purpose of erecting the state penitentiary, in the village of Jackson; and that the treasurer of the state be, and he is hereby directed to pay over the same to the commissioner of the state penitentiary, on the warrant of the auditor general, as the same shall be required in the erection of the penitentiary: *Provided*, That the stock authorized to be created by the provisions of this act shall not be sold for less than its par value, exclusive of all and every charge for services in negotiating the same.

Board of commissioners abolished.

Sec. 2. That so much of the act authorizing the building of the state penitentiary, approved March 22d, 1838, as relates to the appointment of a board of commissioners, be and the same is hereby repealed.

Commissioner to superintend construction of prison to be appointed.

Sec. 3. That the governor, by and with the advice and consent of the senate, shall appoint a commissioner to superintend the construction of the prison; who shall hold his office for one year, and be ex-officio agent and keeper thereof, and shall perform such duties and receive such compensation therefor as is provided by the act entitled "An act to provide for the government and discipline of the state prison," and shall give his bond to the people of this state, with sureties, to be approved by the auditor of this state, for the sum of thirty thousand dollars, in the condition faithfully to perform such duties as shall be required of him by law. And it shall be the duty of the said commissioner to make a detailed report of all appropriations, and the state and progress of the building, to the auditor general of this state, on or before the next meeting of the legislature, and as often as the auditor general shall from time to time require.

Commissioner to make report to auditor general.

Commissioner not be interested in contracts.

Sec. 4. It shall not be lawful for the commissioner, by himself or agent, directly or indirectly, to be interested in any contract relating to the building of the prison.

Agent of prison not to be appointed for 1839; clerk of prison.

Sec. 5. No agent or keeper of the penitentiary shall be appointed for the year one thousand eight hundred and thirty-nine, any law to the contrary notwithstanding; and it shall be the duty of the clerk appointed in pursuance of the law to provide for the government and discipline of the state prison, to perform such duties as shall be required of him by the commissioner, and he shall receive as a compensation for such services, the sum of one hundred dollars, to be paid quarterly out of the state treasury, on the warrant of the auditor general.

Approved April 19, 1839.

[No. 93.]

An Act to incorporate the Detroit Typographical Society.

Body corporate.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That William Harsha,

Augustine W. Hovey, John N. Ingersoll, Wyllys Smyth, John S. Bagg, George L. Whitney, Lewis H. Ensign, Cyrus R. Burtt, and their associates, members of the typographical society in the city of Detroit, and all persons who shall hereafter be associated with them, are hereby created a body corporate, by the name of "The Detroit Typographical Society," for the purpose of establishing and maintaining a just system of benevolence toward disabled and indigent printers; with power for such purposes, to take by purchase, devise or otherwise, and to hold, transfer and convey real and personal estate to the amount of three thousand dollars.

Board of directors.

Sec. 2. The control and disposal of the funds, property and estate, and the direction and management of the concerns of the said corporation shall be vested in a board of directors, to consist of the president, the vice-president, the corresponding secretary, the recording secretary, the treasurer, and the standing committee, composed of three members, of the said corporation; who shall be elected annually to their respective offices, by such of the members of the said association as are now or may be entitled by the constitution thereof to vote at such election.

Officers of corporation.

Sec. 3. The several officers of the said association at the time of the passage of this act, viz: William Harsha, president, Augustine W. Hovey, vice-president, John N. Ingersoll, corresponding secretary, Wyllys Smyth, recording secretary, John S. Bagg, treasurer, George L. Whitney, Lewis H. Ensign, Cyrus R. Burtt, standing committee, now forming the board of directors, as provided for in the preceding section, shall continue to hold their respective offices as officers of the corporation hereby created until the first Saturday of April, eighteen hundred and forty, or until others shall be elected in their places; and all personal property, or funds, or securities now held by the said officers or any or either of them, or any other person or persons, in trust for the said association, shall, by virtue of this act, vest and become the property of, and may be sued for and recovered in the name of the corporation hereby created; and the said corporation shall assume and be liable for all contracts, agreements, and responsibilities which have been entered into previous to the passage of this act, or may hereafter be incurred by the officers of the said association or any of them, lawfully acting in behalf of the said association.

Property held in trust for association to vest in corporation.

Sec. 4. The annual election for officers of the said corporation shall be held on the first Saturday of April in each year, except the present, notice of which shall be published in a newspaper in said city of Detroit, at least fourteen days previous to such election; or on such other days as the said corporation in and by its constitution may appoint. Annual election of officers.

Sec. 5. The board of directors or a majority of them, shall have power to appoint, and to remove, such agents or servants as the business or interest of the said corporation may in their opinion require, and in case of a tie, the president shall have a casting vote. Agents or servants of corporation.

Sec. 6. The estate, property and funds of the said corporation, shall be devoted solely to the general objects and purposes specified in the first section of this act. Use to be made of funds.

Sec. 7. The said corporation shall possess the powers, and be subject to the provisions and liabilities of the third chapter of title ten of part one of the revised statutes of the state of Michigan. Subject to third chapter, title ten, part one, revised statutes.

Sec. 8. This act may, at any time hereafter, be amended, modified or repealed by the legislature of this state. Act may be amended, &c.

Approved April 19, 1839.

[No. 94.]

An Act to amend an act to provide for the appointment of state printer and to prescribe his powers and duties.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the state printer shall be appointed by a concurrent resolution of the senate and house of representatives, and shall hold his office for the term of one year, and until his successor shall be chosen and qualified. State printer to hold his office one year.

Sec. 2. It shall be competent for either house of the legislature, to order their printing during the session of the legislature, to be executed by any other printer, at a price not exceeding that paid to the state printer for the like work. Either house of legislature may order its printing done by any other printer.

Sec. 3. There shall be paid for printing for the state, under this act or the act to which this is amendatory, the following prices: for printing the laws, journals, bills, reports and other documents, sixty-two and a half cents per one thousand ems for composition, Prices for printing.

and sixty-five cents per token for press-work; and there shall be paid for binding, as follows: for binding the session laws in boards, in the style and manner of those of 1838, twenty-five cents per volume; for binding the journals and documents of each house, in the same manner as those of 1838, forty-four cents per volume: *Provided*, That when the journals and accompanying documents shall be contained in one volume, there shall be allowed ten cents per volume in addition to the above prices.

Prices for paper.

Sec. 4. For the paper used in printing for the state, there shall be allowed and paid the usual and current wholesale prices, or such per centage over the prime cost as the legislature may deem reasonable and proper, not exceeding a profit of twenty-five per cent, and for extra work, not herein provided for and specified, a price not exceeding the current charges for such work.

Journals of house for 1839.

Sec. 5. The journal and documents of the house of representatives, for the present year, shall be published under the direction and superintendence of the clerk, at such printing office as he may select, in the style and manner of those of 1838, as near as may be.

Repealing clause.

Sec. 6. All provisions of existing law contravening the provisions of this act, are hereby repealed.

Act take effect.

Sec 7. This act shall take effect from and after its passage.

Approved April 19, 1839.

[No. 95.]

An Act to provide for the assessment and collection of taxes, for the year 1838, and for other purposes.

Whereas, the taxes of the year one thousand eight hundred and thirty-eight have been assessed in some counties of this state, under doubtful authority, and neglected entirely in others; and whereas, the revised statutes were not published in time to permit the fulfilment of certain requirements therein contained, relative to non-resident highway taxes; and whereas, doubts are entertained by the auditor general, as to his duties under said revised statutes, in relation to taxes on lands, heretofore assessed and yet remaining unpaid: and whereas, it is desirable, that uniform authority should prevail, and such doubts be removed; therefore,

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the county commissioners of the several counties of this state be authorized, and they are hereby required, to assess in their respective counties, the state, county and township taxes, for the year one thousand eight hundred and thirty-eight, conforming as near as may be to the provisions of the law, as contained in title five of part one of the revised statutes: *Provided, however*, That said taxes shall be made out and assessed from the assessment rolls, as they were made out and prepared by the township assessors, for the year one thousand eight hundred and thirty-eight, compared and equalized by the respective boards of supervisors, or by said commissioners: *And provided further*, That the lists of said taxes shall be made out, with the warrants thereunto attached, and delivered to the several township collectors on or before the first Monday of June next, which collectors shall proceed in the execution, and in the collection and payment over of said taxes, in conformity, as near as may be, with the provisions of chapter four of title five of part one of the revised statutes, and make their returns thereof according to law, to the several officers, on or before the first Monday of August next. But the foregoing provisions, except so far as relates to the state tax, shall not apply to those counties in which the supervisors for the year one thousand eight hundred and thirty-eight have assessed and caused to be collected the taxes for that year, and the assessment of said taxes by the supervisors of said counties shall henceforth be as valid in law as if the act approved April 6, 1838, entitled "An act in relation to supervisors," had been approved prior to the first day of April, 1838.

Commissioners to assess taxes for 1838.

When list of taxes to be delivered to collector.

Collectors' duty.

Not to apply to certain counties, except as to state tax.

Sec. 2. *Be it further enacted*, That the time for collecting such last mentioned county and other taxes, purporting as aforesaid, to have been duly assessed by the respective boards of supervisors, for the several counties in this state, at their respective meetings in the month of October last, and for which warrants may have been given by such supervisors, but which may remain in part or in whole uncollected, be extended until the second Monday of June next; and the time for paying over the same, to the persons and officers by law in the several townships and counties authorized to receive the same, be extended until the first Monday of

Time for collecting taxes assessed in October last extended.

Collector to pay over what has been collected, and give additional bond.

August next: *Provided, nevertheless,* That the several collectors of such tax or taxes do forthwith pay over so much and such parts of said taxes as may have been collected by such collectors respectively, to the proper persons to whom respectively they are payable: *And provided also,* That immediately after such collectors shall have been notified of the passing of this act, such collectors shall respectively enter into additional bond, with sufficient surety, in the manner and of the tenor required by law in such cases, to be approved of and accepted by the proper authority or authorities, conditioned as in other cases, except that the time in the condition of said bonds mentioned and defined, for the collection and payment over of said tax or taxes, be extended according to the provisions of this section; but nothing in this section contained, shall be so construed as to absolve such collectors as may heretofore have received such warrants, nor their sureties, from liability, upon such bonds, as may have been entered into as aforesaid, unless such additional bond, with surety to be approved of as aforesaid, be entered into and given as in this section is provided; and nothing herein contained, shall be so construed, if such additional bond with surety be given as aforesaid, as to absolve such collector or collectors, nor his nor their surety or sureties, from the obligations by the said original bond or bonds imposed, so far as regards the sum or sums actually collected by such collector or collectors, and not paid over, as in this section is required and provided for. And in the event that additional bond, with surety as aforesaid, satisfactory to the proper authorities, and in conformity with the provisions of this act, shall be duly executed and filed as aforesaid, then, and in every such case, the county treasurer of the proper county shall, upon the demand of any collector desiring to avail himself of the provisions of this act, subjoin to the warrant in the hands of such collector, for the collection of such tax or taxes, or endorse thereon in his own proper handwriting, his name and character of office, whereupon the same warrant shall have all the same validity and force in the law to authorize and direct the collection and payment over of such tax or taxes then as aforesaid remaining uncollected, within the times respectively herein limited, as if the same warrant had been issued by competent authority, and according to the provisions of law in like cases, and for the collection of taxes legally assessed. And if any collector, having charge of the collection of said last mentioned taxes, shall refuse or neglect to

Warrant to be endorsed by county treasurer.

When commissioners to appoint new collector.

give such additional bond, with surety as aforesaid, the said commissioners may appoint any other person to perform the service, who will give such bond with surety.

And inasmuch as authentic returns, exhibiting the amount of taxable property in the several counties of this state, as the same was assessed and valued in and for the year one thousand eight hundred and thirty-eight, have not been made by all the counties of this state, to the auditor general; by reason whereof, no certain and equal apportionment could be made, by the said auditor general, of a state tax for said year; therefore,

Sec. 3. *Be it further enacted*, That it shall the duty of the county clerk of each county, to transmit to the auditor general without unnecessary delay, as an abstract from the records of the board of supervisors of the county, a true and accurate statement of the aggregate valuation of all taxable property, made and duly returned, by the several township assessors, for the year one thousand eight hundred and thirty-eight, to such board of supervisors.

County clerk to transmit abstract of valuation of taxable property for 1838.

And if in any case all such assessment rolls do not remain in the custody of said county clerk, or of the county commissioners, nor any authentic record or abstract thereof, it shall be the duty of said county clerk, and he is hereby authorized and required, forthwith to demand and obtain the same roll or rolls of the clerk of the late board of supervisors, or of any other person or county officer, who may have custody thereof, or of any of them, any record or abstract thereof appertaining to the county. And in default of other authentic document concerning the same matter, and containing a statement of the necessary facts, then such county clerk shall demand and obtain the corrected duplicate or duplicates of such roll or rolls deposited with or in the custody of the township clerk or clerks. And if by reason of absence or sickness, or any other cause, any of said county clerks should fail to perform the duties or any of the duties, by this act imposed upon him, then it shall be the duty of the president, or chairman of the county commissioners of the proper county, to do and perform the same; and in his default for any cause, then it shall be the duty of the county treasurer of the proper county, to do and perform the same.

In case of failure, president of commissioners to transmit.

Sec. 4. And so soon as the said auditor general shall have obtained the abstracts aforesaid, he shall proceed to apportion and charge to each of the counties of this state, its proper quota

Auditor general to charge to each county its quota of tax.

Amount paid to be deducted from taxes of 1838.

Whereupon, and after said auditor general shall have computed, apportioned and established the quota of each county of the tax for eighteen hundred and thirty-eight, (upon the basis of the assessors' returns of taxable property, made for and during said last mentioned year, or from such other data as hereinbefore provided for,) and before such apportionment and quota shall be notified as aforesaid to said county commissioners of the respective counties, by the said auditor general, for the purpose of collection, said auditor general shall deduct from the quota of each of the counties so having paid, or caused to be paid, such tax or taxes to said state treasurer, the amount, if any, so as aforesaid placed and remaining to the credit of such counties respectively, and the residue only of said apportionment and quota so as aforesaid established, after the deduction aforesaid shall be collected in such county or counties and paid over to the state treasurer, by said county or counties, or the proper officers thereof, according to the provisions of this act.

Same tax for '38 collected in any county to be credited.

Sec. 7. And whereas, in some cases it may have happened that the supervisors at their session in October last, may have assessed a general state tax to be levied and collected within their respective counties, and whereas it is just and equitable in all such cases, where such general state tax may have been actually collected, in part or in whole, upon the warrant of such supervisors, that the counties paying the same to the state treasurer, as well as individuals respectively paying the same, should be duly credited therefor, in just proportion: Therefore, be it further enacted, That in all cases in which the said supervisors of any of the counties of this state may have assessed at their said annual session in October last, such general state tax, and by their warrants caused the same or any part thereof to be collected and paid over to the said state treasurer, the said auditor general, in his account with such county or counties herein provided for, shall credit such county with the sum, so as aforesaid collected and paid over to the state treasurer, which sum, so paid over, shall be deemed and taken as in payment, or as in part payment, (as the case may be,) of the quota of such county. And furthermore, it shall be the duty of the county commissioners, upon the receipt by them of the statement by the auditor general of the quota apportioned to their counties respectively, and of the stated amount aforesaid, so to adjust the tax lists and warrants of collection, by them to be

Commissioners to make out a tax list, so as to credit each township with such tax paid by them.

prepared, as that each individual who may have paid such general state tax assessed against him by such board of supervisors within and for their said counties respectively, or any part thereof, shall be duly credited therefor as in full or in part (as the case may be) of his part of the said general state tax hereby required to be assessed, levied and paid over. And to the end that the said county commissioners may the more accurately and expeditiously give effect to this provision, it is hereby made the duty of the county treasurers respectively, and of the several township collectors in whose custody the several tax lists and warrants of collection may happen to be, to exhibit the same without delay to the said county commissioners in board assembled, when so required by the county commissioners.

Commissioners to ascertain amount of certain unpaid taxes, &c., and transmit documents relative thereto to auditor, &c.

Sec. 8. And inasmuch as in the counties in which such general state tax may have been assessed, levied and collected upon the warrants of said supervisors at their sessions in October last, the sum thereof paid over to the state treasurer, or otherwise accounted for according to law, may fall short of the full quota by this act required to be apportioned to such counties respectively, but yet having a sum which, when apportioned to the individuals in such counties chargeable therewith, so small as to render the collection thereof inconvenient and expensive, and insomuch as there may nevertheless remain outstanding and unpaid, arrears of county and township taxes, and interest accrued thereon and charged upon real estate in such counties, which, if now collected, would, in addition to such general state taxes so as aforesaid assessed and collected by the warrants of said supervisors at their session in October last issued, be of sufficient amount to pay the whole of the quota by this act required to be apportioned to such counties respectively; therefore,

Be it further enacted, That in all such cases it shall be competent for the county commissioners of such counties respectively to ascertain the amount in their said counties respectively, of such arrears of county and township taxes unpaid and charged as aforesaid upon real estate therein, by reason of any prior assessment thereof, during any previous year or years; and upon such ascertainment, to order and direct the county treasurers respectively, to verify the same by documents, affidavits and certificates, similar, as near as may be, to those described and provided for in case of such general, county and township taxes hereafter to be

Amount paid to be deducted from taxes of 1838.

Whereupon, and after said auditor general shall have computed, apportioned and established the quota of each county of the tax for eighteen hundred and thirty-eight, (upon the basis of the assessors' returns of taxable property, made for and during said last mentioned year, or from such other data as hereinbefore provided for,) and before such apportionment and quota shall be notified as aforesaid to said county commissioners of the respective counties, by the said auditor general, for the purpose of collection, said auditor general shall deduct from the quota of each of the counties so having paid, or caused to be paid, such tax or taxes to said state treasurer, the amount, if any, so as aforesaid placed and remaining to the credit of such counties respectively, and the residue only of said apportionment and quota so as aforesaid established, after the deduction aforesaid shall be collected in such county or counties and paid over to the state treasurer, by said county or counties, or the proper officers thereof, according to the provisions of this act.

State tax for '38 collected in any county to be credited.

Sec. 7. And whereas, in some cases it may have happened that the supervisors at their session in October last, may have assessed a general state tax to be levied and collected within their respective counties, and whereas it is just and equitable in all such cases, where such general state tax may have been actually collected, in part or in whole, upon the warrant of such supervisors, that the counties paying the same to the state treasurer, as well as individuals respectively paying the same, should be duly credited therefor, in just proportion: Therefore, be it further enacted, That in all cases in which the said supervisors of any of the counties of this state may have assessed at their said annual session in October last, such general state tax, and by their warrants caused the same or any part thereof to be collected and paid over to the said state treasurer, the said auditor general, in his account with such county or counties herein provided for, shall credit such county with the sum, so as aforesaid collected and paid over to the state treasurer, which sum, so paid over, shall be deemed and taken as in payment, or as in part payment, (as the case may be,) of the quota of such county. And furthermore, it shall be the duty of the county commissioners, upon the receipt by them of the statement by the auditor general of the quota apportioned to their counties respectively, and of the stated amount aforesaid, so to adjust the tax lists and warrants of collection, by them to be

Commissioners to make out a tax list, so as to credit each individual with such tax paid by him.

prepared, as that each individual who may have paid such general state tax assessed against him by such board of supervisors within and for their said counties respectively, or any part thereof, shall be duly credited therefor as in full or in part (as the case may be) of his part of the said general state tax hereby required to be assessed, levied and paid over. And to the end that the said county commissioners may the more accurately and expeditiously give effect to this provision, it is hereby made the duty of the county treasurers respectively, and of the several township collectors in whose custody the several tax lists and warrants of collection may happen to be, to exhibit the same without delay to the said county commissioners in board assembled, when so required by the county commissioners.

Commissioners to ascertain amount of certain unpaid taxes, &c., and transmit documents relative thereto to auditor, &c.

Sec. 8. And inasmuch as in the counties in which such general state tax may have been assessed, levied and collected upon the warrants of said supervisors at their sessions in October last, the sum thereof paid over to the state treasurer, or otherwise accounted for according to law, may fall short of the full quota by this act required to be apportioned to such counties respectively, but yet having a sum which, when apportioned to the individuals in such counties chargeable therewith, so small as to render the collection thereof inconvenient and expensive, and insomuch as there may nevertheless remain outstanding and unpaid, arrears of county and township taxes, and interest accrued thereon and charged upon real estate in such counties, which, if now collected, would, in addition to such general state taxes so as aforesaid assessed and collected by the warrants of said supervisors at their session in October last issued, be of sufficient amount to pay the whole of the quota by this act required to be apportioned to such counties respectively; therefore,

Be it further enacted, That in all such cases it shall be competent for the county commissioners of such counties respectively to ascertain the amount in their said counties respectively, of such arrears of county and township taxes unpaid and charged as aforesaid upon real estate therein, by reason of any prior assessment thereof, during any previous year or years; and upon such ascertainment, to order and direct the county treasurers respectively, to verify the same by documents, affidavits and certificates, similar, as near as may be, to those described and provided for in case of such general, county and township taxes hereafter to be

assessed, in and by the third section of the fifth chaptor of the fifth title of part first of the revised code; and such documents being made out and authenticated as aforesaid, to transmit without delay, to the auditor general, whereupon such proceedings shall be had by the said auditor general and the state treasurer, (and by such other of the officers of this state as may by law be charged with any duties in like cases) as by the creation and sale of certificates of state stock, to obtain thereon the moneys required to complete the payment of the full amount of the quota respectively apportioned to such counties by the provisions of this act: *Provided*, That such certificates of state stock, shall be of like tenor, authenticated in like manner, bearing like interest, payable at like periods, and disposed of under like provisions, conditions and guards, as near as may be, as are provided in and by said chapter five, title five, part first of the revised code; and the clear proceeds of such certificates of state stock, and of the sale thereof, being applied and paid over as aforesaid, shall be placed to the credit of such counties respectively: *Provided*, That the stock authorized to be sold by the provisions of the twenty-fifth section of chapter five, title five, part one of the revised statutes, shall never be made for less than par value, after paying all charges for commissions or other expenses, attending the sale of the same.

Duty of overseers of highways.

Sec. 9. Each overseer of highways in the several townships in this state for the year eighteen hundred and thirty-eight, where the usual returns have not been made to the commissioners, shall, on or before the first Monday of June next, make out and deliver to the clerk of his township an accurate description of each lot of land which was taxed on his list for the year one thousand eight hundred and thirty-eight, on which the labor so taxed has not been performed nor commuted for, showing also, with said description, the number of days and parts of days' work which had been so taxed on each of said lots. And the said overseer, previous to delivering such statement, shall make and subscribe an affidavit thereon, before some justice of the peace, or other person authorized to administer oaths, stating therein, that he has not, upon diligent inquiry and attention thereto, been able to find any person or persons of whom he could collect the amount of said highway tax or taxes, or any goods or chattels on which he could lawfully levy and sell for said highway labor; that the

account thereof is just and true as delivered to him by the highway commissioners of his township, and that the said labor remains undone and unpaid for.

Township clerk to deliver certain accounts to county clerk.

Sec. 10. It shall be the duty of the township clerk, on receiving the account of the overseers, as mentioned in the preceding section, to cause the same to be delivered forthwith to the clerk of the county commissioners.

County commissioners to assess arrearages of highway labor on land returned.

Sec. 11. It shall be the duty of the county commissioners, to cause the amount of such arrearages of labor to be assessed on the lands so returned by the overseers of highways, at the same time that they are required by the first section of this act, to assess the state, county and township taxes, for the year one thousand eight hundred and thirty-eight, and in the same manner, as near as may be, as is provided for in the third chapter of title six of part one of the revised statutes: *Provided*, That in all such counties as shall not be required to assess any further taxes, prior to the annual meeting of the county commissioners in and for the year eighteen hundred and thirty-nine, it shall be competent and lawful for the respective boards of county commissioners in such case, to provide for the raising and collection of said arrearages with the taxes for said year eighteen hundred and thirty-nine, in manner aforesaid.

County treasurers to collect all unpaid taxes due prior to 1838.

Sec. 12. It shall be the duty of the several county treasurers of this state, to collect all non-resident taxes assessed prior to the year one thousand eight hundred and thirty-eight, and now remaining unpaid, in the same manner as if the laws under which said taxes were assessed, continued in force until after such collection; and for receiving and paying over into the state treasury, all such state taxes, and all general state taxes hereafter to be assessed, levied and collected, the said county treasurers respectively, shall be entitled to receive, in addition to the compensation provided for in and by the twenty-sixth section of chapter three of title three, part first of the revised statutes, one and one half per cent, and in that proportion, and which they shall deduct and retain from the moneys so by them respectively paid into the state treasury, as aforesaid.

When such taxes may be returned to the auditor, &c.

Sec. 13. Whenever the treasurers, upon the order of the county commissioners of any of the counties of this state, shall present to the auditor general the returns of all county taxes heretofore assessed and duly returned as taxes upon lands of non-residents,

and yet remaining unpaid in said counties, with his affidavit thereunto attached, stating that it is positively necessary that the said county should realize the amount of said unpaid taxes, before the debts of said county can be paid, it shall be the duty of the said auditor general to receive said returns and act on them, and pay said county treasurers in the same manner as is provided for in chapter five of title five of part one of the revised statutes, the same as if said taxes had been levied and assessed since the passage of said revised statutes: *Provided*, That all such moneys, (the amount of such unpaid taxes,) being put to the credit of such county, shall be first applied to extinguish any sum, which, upon the books of the auditor general may appear to be due by such county to this state, and the balance only shall be paid over to such county.

Part of sec. 3, chap. 3, title 5, part 1, revised statutes, suspended.

Sec. 14. That part of section three of chapter three of title five of part one of the revised statutes, which requires the board of county commissioners to assess the specific state tax on each merchant, tavern-keeper, and every other person, liable thereto, be and the same is hereby suspended, until the legislature shall hereafter authorize or direct the assessment and collection of specific taxes, for county or township purposes.

And that part of section three of chapter three of title five of part one of the revised statutes, which provides that a specific tax shall be assessed, by the county commissioners, shall be construed to apply to the county specific tax, as provided for in this section, and to all county specific taxes, at any time hereafter to be levied, and not at any time to any state specific tax.

Auditor to cause this act to be printed, &c.

Sec. 15. It shall be the duty of the auditor general to cause a sufficient number, as near as may be, of copies of this act, to be printed immediately in pamphlet form, and sent without delay to the clerk of each county, whose duty it shall also be to distribute them, so that the commissioners and treasurers of each county, and the clerk, overseers of highways, and collector of each township shall have one copy each, to the end that this law be promulgated, and its provisions fulfilled within the time required.

Officer failing to attend to duties required by this act, how punished.

Sec. 16. If any of the officers mentioned in this act, shall, wilfully or negligently fail to attend to the duties required of them therein, they shall be subject to all the pains and penalties, as for similar offences are imposed and provided for in the revised statutes of this state.

Treasurer to pass to credit of state, $80,000 of surplus revenue.

Sec. 17. *And be it further enacted*, That the treasurer of this state be, and he is hereby directed, to pass to the credit of the state, eighty thousand dollars of the money, being part of the surplus revenue of the United States, apportioned and paid over to this state by the said United States, which, by an act approved March twenty-second, one thousand eight hundred and thirty-seven, said treasurer was directed to pass to the credit of the fund of internal improvement; and that the same, when so placed to the credit of the state, be subject to be drawn out according to law, to defray the current expenses of the state.

Auditor to apportion state tax of 2 mills on a dollar.

Sec. 18. And it shall be the duty of the auditor general, after the proper returns of the taxable property in the several counties in this state, and the valuations thereof, upon the assessments thereof, for the year eighteen hundred and thirty-nine, shall have been duly made to him, to apportion to and for each of the counties of this state, a general state tax; and the quota of each county shall be established upon the basis or ratio of two mills upon the dollar, upon all taxable property so assessed, valued and returned to him; and until the legislature shall otherwise by law direct, there shall be assessed, levied and collected, annually and every year, a general state tax, apportioned to and amongst the said several counties, upon the same basis or ratio of two mills upon the dollar, and in that proportion, upon the returns of all the valuations of each year, of all the taxable property therein.

Certain state taxes remitted, &c.

Sec. 19. All assessments and collections of taxes for either of said years, one thousand eight hundred and thirty-six, or one thousand eight hundred and thirty-seven, for or on account of a state tax, for those years, or either of them, and not paid over to said state treasurer, or credited as in this act provided, to such county or counties respectively, are hereby remitted, released and transferred to the counties respectively, within or for which the same were assessed; and the county commissioners for said counties respectively, are hereby authorized to finish the collection thereof, if partially collected only, and cause the same to be paid over to the county treasurers respectively, for the use of such counties respectively.

County commissioners may collect.

County treasurers to account to commissioners therefor.

And furthermore, it shall be the duty of the county treasurers respectively, to account with the county commissioners respectively, for all such parts thereof, as they may respectively have received, or may hereafter receive, accordingly. And should

any such county treasurer neglect or refuse so to account, or should any late or former county treasurer, so neglect or refuse to account and pay over any part of such tax, by him received, it shall be competent for such county commissioners, to cause suit to be instituted against him, his sureties or either of them, on his or their bond or bonds, given by such late or former treasurer, to or for the benefit of the state. Which suit or suits shall be for the use of such county respectively. And furthermore, all such state taxes remaining unpaid, but charged upon real estate, shall be collected for the use of such counties respectively, according to the provisions of the law, as the same existed at the time when such taxes were by law payable, as nearly as may be.

All unpaid state tax upon real estate go to county.

Sec. 20. This act shall take effect and be in force, from and after the passing and approval thereof.

Approved April 19, 1839.

[No. 96.]

An Act to incorporate the Dexter Branch Canal Company.

Commissioners.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Samuel W. Dexter, Asa Williams, Nathaniel Noble, Alanson Crossman, Cyrel Nichols and Nelson H. Wing, be and they are hereby appointed commissioners, and under the direction of a majority of whom, subscriptions may be received to the capital stock of the company hereby incorporated. The said commissioners shall cause books to be opened at the village of Dexter, in the county of Washtenaw, and at such other place or places as a majority of said commissioners may direct, for the space of three days, for the purpose of receiving subscriptions to the capital stock of said company; first giving thirty days' notice in one or more of the weekly newspapers published in this state, of the time and place, or places, where said books will be opened to receive subscriptions.

Books to be opened for subscription.

Capital; election of directors.

Sec. 2. The capital stock shall be fifty thousand dollars, in shares of fifty dollars each, and as soon as one half of said stock shall be subscribed, the said commissioners shall call a meeting of the subscribers, at such time and place as they may appoint, by publishing the same in the manner prescribed in the first section

of this act; and at such meeting, the commissioners shall lay the books of subscription before the subscribers then present, and thereupon the stockholders may elect five directors by ballot, a majority of whom shall be competent to manage the affairs of said company, who shall, respectively, hold their offices for one year, and until their successors are elected and qualified in their places; and the said directors are hereby authorized and required at their first meeting, or as soon thereafter as may be, to elect one of their number president of said board, and before they enter upon the duties of their offices as president and directors, they shall severally take and subscribe the oath provided in the constitution of this state, before some officer authorized to administer oaths; and on all occasions when a vote of the stockholders is to be given, each share of stock shall entitle the owner thereof to one vote, either by himself in person, or by proxy.

President; directors to be sworn; each share of stock entitle to a vote.

Sec. 3. The said company shall be organized according to the foregoing provisions; they shall be and thereby are created a body corporate, by the name of the Dexter branch canal company, with perpetual succession, and as such corporation are hereby declared capable in law of suing and being sued, answering and being answered unto, pleading and being impleaded, defending and being defended, in all courts and places whatever, and in all manner of actions, suits, complaints, matters and causes, and by their corporate name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real, or personal, or mixed, so far as the same may be necessary for the purposes of carrying into effect or operation the privileges herein granted to this corporation, and may have a common seal, and change the same whenever the stockholders owning a majority of the stock, at any regular meeting, shall direct the same.

Body corporate.

Sec. 4. Every person subscribing to the capital stock of the corporation, shall, as soon as the officers of said corporation are elected and qualified, pay to the president and directors of said corporation, the sum of five dollars on each and every share of stock subscribed, and the balance that remains due on said shares shall be paid in such instalments and at such times as the directors for the time being may require: *Provided*, That no instalment shall exceed ten dollars on each share of said stock; and whenever the payment of any instalment is required, previous notice shall be given, by advertising the same in a newspaper printed in

Stock, when to be paid.

the county where said canal is situated, for at least thirty days previous to the payment thereof. The shares of the capital stock of said corporation shall be considered personal property, and transferable in such manner as shall be prescribed in the by-laws of said corporation; and whenever any stockholder shall neglect or refuse to comply with any call or demand for the payment of any instalment, for the term of sixty days after such call or demand, he or she shall forfeit to the said corporation all such shares of the stock, and the previous payments made thereon.

Stock personal property.

When first election of directors to take place; vacancy.

Sec. 5. And for the purpose of perpetuating this corporation, the first election of directors shall be on the first Tuesday in September next, and annually thereafter, by giving the like notice of said election as is required to be given in the first section of this act. And if any vacancies shall occur by death, resignation or otherwise, of any president or director, before the expiration of the year for which he was elected, such vacancy, for the remainder of the year, may be filled by the directors of said company or a majority of them. All elections which are by this [act,] or by the by-laws of this corporation, to be made on any particular day, if not made on such day may be made on any day thereafter, by giving the notice required for the first election; and at the first election authorized by this act, the commissioners authorized to call such election, or a majority of those present, shall preside, and determine by the greatest number of votes given, who are elected directors of said corporation, and at every other election after the first, the president and directors of said corporation, or a majority of those present, shall preside, and determine the result as aforesaid.

Corporation to construct canal from Dexter to intersect Clinton and Kalamazoo canal in Livingston county.

Sec. 6. The corporation hereby created shall have powers, and are hereby authorized, as soon as the funds are provided according to the foregoing provisions of this act, and within six years from its passage, to construct, make and finish a canal of sufficient width and depth to admit the passage of such boats or other craft through said canal as are commonly used and employed in the carrying trade, and also to make such locks and guards in and around said canal as shall render the occupation safe and easy for boats or any other craft that may be used thereon. Said canal shall commence at the village of Dexter, in the county of Washtenaw, and extend to the Clinton and Kalamazoo canal, in the county of Livingston, by the following route; commencing at the village of Dexter, from thence up the valley of the Huron

river, or as near the valley as practicable, to the peninsula between Portage and Bass lakes, from thence to the northwest side of Bass lake, from there up the valley of the outlet of Crooked lake, on the most approved and direct route, where it will intersect the line of the Clinton and Kalamazoo canal: *And provided further*, That it shall and may be optional with this corporation, that in place of the aforesaid canal, they may use the bed of the Huron river, commencing at the village of Dexter aforesaid, and from thence to improve the same by excavation and by dams and locks and other improvements, so as to make a safe and easy slack-water navigation for boats and other craft up said river to the lakes before described, and also to improve and use the lakes before described, as a part of said navigable communication, and from said lakes by the aforesaid canal route to where the same intersects the line of the Clinton and Kalamazoo canal, and the same shall be made and finished in the time limited for the completion of the aforesaid canal.

Piers, warehouses and other buildings.

Sec. 7. The corporation shall have power to erect piers, wharves, warehouses and other necessary buildings and improvements in and about said canal, for all the purposes of storage or forwarding of any articles of business or trade that may be carried on by the use of said canal or navigable communication, and also to repair and protect from year to year, and as often as necessary, such water communication or improvements; but no part of this act shall be construed to authorize this corporation to occupy or use the land or any other property of any individual or individuals, or company, without first obtaining their consent for the same.

By-laws.

Sec. 8. The directors shall have authority to make such by-laws, rules, orders and regulations, not inconsistent with the constitution and laws of this state or of the United States, as may be necessary for the management of the affairs of this corporation; also to appoint and supply such agents, clerks, superintendents and workmen as shall be necessary to execute the same. A majority of the directors shall be a quorum, to transact the business of said corporation, and all acts of said majority, as directors, shall be binding on the corporation.

Majority of directors quorum.

Tolls.

Sec. 9. It shall be the duty of the president and directors of this corporation to provide the necessary accommodations and convenience for the passage of boats, and they are hereby required at all times to allow the passage of all boats or other water craft,

through said canal, or navigable communication, upon the demand of any person, on the payment of such toll or duty as may be prescribed by the president and directors of this corporation. The toll or duty prescribed by the president and directors of this corporation, shall and may be at all times regulated by the legislature of this state.

To keep an account of shares of stock, of the transfers thereof, and of receipts and expenditures, &c.

Sec. 10. It shall be the duty of the president and directors of this corporation to provide suitable books, and cause to be inserted therein a regular account of all the shares of stock belonging to the company, and the number of shares owned by each stockholder, and all the payments made by each person thereon, and if sold or transferred, the time when and to whom, and also to make and keep a record of all elections, votes and orders made by said company; and also all votes, orders, rules, regulations and by-laws made by the president and directors for the government and regulation of the business of this corporation, and also to keep a regular account of all receipts and expenditures, and for what received, and how expended, and also to make, declare and pay to the stockholders such dividend on the stock owned by each person as the directors may think proper, of the profits arising from the business of such corporation, after deducting the necessary expenses.

Special meetings of stockholders; statement of affairs of company.

Sec. 11. The president and directors may call special meetings of the stockholders of said corporation, when in their opinion the interests of the company require such meeting, by giving the notice required for an annual meeting; and any number of stockholders not owning less than one eighth of the capital stock of said corporation, may call a meeting of the stockholders of said company, by giving the notice aforesaid; and at all regular meetings, either annual or special, on the application of any stockholder, the president and directors then in office, shall, and are hereby required to exhibit, by the books of said corporation or otherwise, a clear and distinct statement of the affairs of said company, and at any special meeting as aforesaid, the stockholders owning two thirds of the capital stock of said company, may remove any president or directors of said company, and elect others to fill their place of places; and at any regular meeting, the stockholders may vote to pay the directors of said corporation such sum for their services during the year as a majority of the company shall determine.

Sec. 12. The legislature shall have power to alter, amend or repeal this act. Legislature may amend act.

Approved April 19, 1839.

[No. 97.]

An Act to organize a certain township in the county of Genesee.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all that part of the county of Genesee, designated by the United States survey, and described as follows, to wit: beginning in the centre of Flint river, at a point where the county line between the counties of Genesee and Lapeer crosses the said river, thence southwardly along the said county line, to the south east corner of section thirteen in township seven north, of range seven east, thence westwardly along the section lines to the south west corner of section seventeen, in the above named township and range, thence northwardly along the section lines to the centre of Flint river, thence up said river, along its centre, to the place of beginning; be and the same is hereby set off and organized into a separate township, by the name of Kearsley, and the first township meeting shall be held at the house of Ogden Clark, in said township. Kearsley.

Sec. 2. This act shall take effect from and after the thirty-first day of March next.

Approved April 19, 1839.

[No. 98.]

An Act to provide for the payment of certain claims therein mentioned.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the treasurer of the state be and he is hereby authorized to pay the following sums out of any moneys in the treasury not otherwise appropriated.

To Lemuel Goodell, one hundred and twenty-four dollars, for sixty-two days attendance upon the supreme court and court of L. Goodell.

chancery during the years one thousand eight hundred and thirty-seven and one thousand eight hundred and thirty-eight, as sheriff of the county of Wayne, and also twenty-six dollars for fuel and lights furnished for the use of said courts.

W. Anderson. To William Anderson, forty-two dollars, for twenty-one days attendance upon said courts during the years one thousand eight hundred and thirty-seven and one thousand eight hundred and thirty-eight, as sheriff of the county of Washtenaw.

P. P. Brown. To Phebe P. Brown, two hundred and five dollars and twenty-five cents, for damages and loss of furniture by means of the cars being thrown from the track on the central railroad in the month of September, one thousand eight hundred and thirty-eight, to be paid out of the internal improvement fund.

M. Preston, D. V. Bell. To Marvin Preston, seventy-five dollars, and Digby V. Bell, the sum of one hundred dollars, for services and expenses in appraising state lands upon the Niles reservation, and making due returns thereof according to law.

R. W. Ingalls. To R. W. Ingalls, twenty-five dollars, for publishing adjutant general's orders for the year one thousand eight hundred and thirty-eight.

H. J. Tyler & Co. To H. J. Tyler & Co., twenty-five dollars for publishing adjutant general's orders in the county of Lenawee, during the year one thousand eight hundred and thirty-eight.

J. Gibson. To John Gibson, sixty one dollars and fifty cents, for forty-two days attendance as crier of the supreme court and court of chancery, in the county of Wayne; and also seventy-five dollars for fuel and lights furnished, and other incidental expenses of said courts.

S. M'Knight. To Sheldon M'Knight, postmaster at Detroit, twenty-nine dollars and eighty-seven and a half cents, for postage of bank commissioners from February fourth, one thousand eight hundred and thirty-eight, to March twenty-ninth, one thousand eight hundred and thirty-nine.

T. M. Fish. To T. M. Fish, sixty-five dollars and eighty-eight cents, for rations and quarters furnished a detachment of men called into service by the governor of Michigan, in the year one thousand eight hundred and thirty seven.

Pease, Chester & Co. To Pease, Chester & Co., one hundred and two dollars and sixty-seven cents, for charges in transportation and storage of muskets, and also for provisions furnished upon the order of the

uartermaster general for the use of the men called out to repel he patriot invasion of Canada in the winter of one thousand eight ıundred and thirty-seven and thirty-eight.

To Thomas J. Drake and Sands McCamly, the sum of twenty- T. J. Drake, S. McCamly. hree dollars and fifty cents each, for expenses incurred in going ɔ Jackson to investigate the affairs of the state prison; and also ıe sum of twenty-two dollars to Townsend E Gidley, for like xpenses incurred.

To the legal representatives of Hiram Alden, late commissioner Representatives of H. f internal improvement, deceased, four hundred and five dollars Alden. nd fifty cents, for services rendered and expenses incurred by aid Alden in the execution of the duties of his office, including lso the expenses attendant upon the last sickness, together with ıe funeral charges, of the said Hiram Alden.

Approved April 19, 1839.

[No. 99.]

An Act for the relief of Calvin C. Parks and others.

Section 1. *Be it enacted by the Senate and House of Represen-* C. C. Parks. *tatives of the State of Michigan*, That the sum of twenty-four ollars be and the same is hereby appropriated, to pay Major 'alvin C. Parks, inspector of Michigan militia, for his services for ıspecting the ninth and tenth regiments in the year one thousand ight hundred and thirty-eight.

To the register of Lenawee county, for his services in recording Register of Lenawee county. ıortgages and making searches for the Lenawee county bank at he request of the bank commissioner, in the year one thousand ight hundred and thirty-eight, the sum of twelve dollars and wenty-five cents.

To James Kent and David B. Ogden, for their services as J. Kent and D. B. Ogden. ounsel for the state of Michigan in regard to the question of the outhern boundary of said state, the sum of five hundred dollars, he same to be paid out of any money in the treasury not otherwise appropriated.

Approved April 20, 1839.

[No. 100.]

AN ACT to change the June term of the supreme court of the state of Michigan, and the June term of the circuit court for Ingham county.

June term of supreme court for '39, to be held on the first Tuesday in August next.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the term of the supreme court, required by law to be held at the city of Detroit on the first Tuesday of June next, shall be held at the city of Detroit on the first Tuesday of August next.

Continuance of process, &c.

Sec. 2. All causes and matters pending in said supreme court, and all writs and process issued or to be issued before the fifteenth day of June and made returnable at said June term of said court at the time this act shall take effect shall be continued to, and shall be taken and deemed to be returnable at the term of said court hereby established, and shall be proceeded in by said court as fully and effectually as though the same had been regularly continued to or made returnable at the term of the court hereby established.

Circuit court in Ingham.

Sec. 3. The term of the circuit court required by law to be held in and for the county of Ingham, on the first Tuesday of June next, shall be held in and for the said county of Ingham on the second Tuesday of November next.

Continuance of process.

Sec. 4. All causes and matters pending in said circuit court, and all writs and process issued or to be issued before the fifteenth day of June next, and made returnable at said June term of the said circuit court at the time this act is passed, shall be continued to or be taken and deemed to be returnable at the term of said court hereby established, and shall be proceeded in by said circuit court as fully and effectually, as though the same had been regularly continued to or made returnable at the term of said circuit court hereby established.

Repealing clause.

Sec. 5. So much of any [act] or acts as contravenes the provisions of this act be and the same is hereby repealed.

Approved April 20, 1839.

Sec. 2. Said board of commissioners, so appointed as aforesaid, e hereby constituted and appointed supervisors and overseers public works; and shall have the general care and superin- ndence of all canals, railroads and other improvements to be nstructed by the state. Supervisors of all state works of internal improvement.

Sec. 3. It shall be the duty of the said commissioners to meet as on as practicable after their appointment, at the office of the ard of commissioners of internal improvement, for the purpose taking charge of and carrying on the works of internal im- ovement, and each member shall, before entering upon the ties of his office, take and subscribe the oath or affirmation escribed by the constitution of this state. First meeting of board after appointment; to take and subscribe oath.

Sec. 4. It shall be the duty of the board thus organized to ppoint a secretary and general book-keeper, who may be moved at pleasure, and whose compensation shall be such as ey may deem sufficient and may allow, and which shall be paid it of the internal improvement fund; it shall be the duty of said cretary to keep a correct journal of the proceedings of the board hen in session, and a full and detailed account of the moneys aid, and the vouchers thereof, under the several heads for which ppropriations are made by law, and to render a general state- ent thereof to the members of the board or to the legislature hen requested so to do. To appoint secretary and book-keeper. Duty of secretary.

Sec. 5. It shall be the duty of said board to keep a complete cord of all their proceedings, to be perpetuated, and shall, at very annual session of the legislature, report the proceedings id condition of all the public works, with such other important formation as they may have it in their power to collect in rela- on to the objects committed to their trust and supervision. Board to keep record of proceedings, report to legislature.

Sec. 6. The board shall, after being duly organized as aforesaid, roceed to elect one of their members president of the board, who all hold his office until the first Tuesday of February thereafter; nd in case of a vacancy in said office during said term, the board ay fill said vacancy for the residue of the term. It shall be the uty of said president to attend the meetings of said board and reside over the deliberations thereof; and he shall also, with the dvice and assistance of the auditor general, prepare a form for he necessary vouchers and accounts required in all the moneyed ansactions of the board, or any of the commissioners, and shall esignate as definitely as possible, the evidence required or [on] he payment of accounts, and shall also prepare instructions to To elect president, &c. President to attend meetings of board, prepare form for vouchers and accounts, also instructions for engineers, &c.

[No. 103.]

An Act to change the name of the First Presbyterian church and society of Sharon and Bridgewater.

To be called "The first presbyterian church and society of Manchester."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the first presbyterian church and society of Sharon and Bridgewater in the county of Washtenaw, shall hereafter be known and designated as "The first presbyterian church and society of Manchester," and may, by and under said last mentioned name, exercise and enjoy all the powers and privileges to which said church would be entitled in its corporate capacity, as fully and completely, to all intents and purposes as if the same had been originally adopted; but this act shall not in any manner affect the rights or liabilities of said church, or of any person or persons whatever.

Approved April 20, 1839.

[No. 104.]

An Act for the regulation of internal improvements, and for the appointment of a board of commissioners.

Board to consist of three members; how appointed; to be divided into classes, &c. hold their office three years.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the governor, by and with the advice and consent of both branches of the legislature, shall appoint a board of commissioners of internal improvement, to consist of three members, to be divided into classes one, two and three, the first class to hold its office for one year, the second for two years, and the third for three years, to be determined by lots to be drawn by the secretary of state, and that annually thereafter there shall be one or more appointed to fill such vacancies as may occur; that the term of office shall be three years, to expire on the first Tuesday of February of each year, or until others are appointed, except in the cases of those drawing for the term of one and two years as above stated. In the case of the death or resignation of any commissioners during the recess of the legislature, the governor shall fill such vacancy until the first Tuesday of February thereafter.

When governor to fill vacancy.

Sec. 2. Said board of commissioners, so appointed as aforesaid, e hereby constituted and appointed supervisors and overseers public works; and shall have the general care and superinndence of all canals, railroads and other improvements to be nstructed by the state. Supervisors of all state works of internal improvement.

Sec. 3. It shall be the duty of the said commissioners to meet as on as practicable after their appointment, at the office of the ard of commissioners of internal improvement, for the purpose taking charge of and carrying on the works of internal imovement, and each member shall, before entering upon the ties of his office, take and subscribe the oath or affirmation escribed by the constitution of this state. First meeting of board after appointment; to take and subscribe oath.

Sec. 4. It shall be the duty of the board thus organized to ppoint a secretary and general book-keeper, who may be moved at pleasure, and whose compensation shall be such as ey may deem sufficient and may allow, and which shall be paid it of the internal improvement fund; it shall be the duty of said cretary to keep a correct journal of the proceedings of the board hen in session, and a full and detailed account of the moneys aid, and the vouchers thereof, under the several heads for which ppropriations are made by law, and to render a general stateent thereof to the members of the board or to the legislature hen requested so to do. To appoint secretary and book-keeper. Duty of secretary.

Sec. 5. It shall be the duty of said board to keep a complete cord of all their proceedings, to be perpetuated, and shall, at ery annual session of the legislature, report the proceedings id condition of all the public works, with such other important formation as they may have it in their power to collect in relaon to the objects committed to their trust and supervision. Board to keep record of proceedings, report to legislature.

Sec. 6. The board shall, after being duly organized as aforesaid, roceed to elect one of their members president of the board, who all hold his office until the first Tuesday of February thereafter; id in case of a vacancy in said office during said term, the board ay fill said vacancy for the residue of the term. It shall be the ity of said president to attend the meetings of said board and reside over the deliberations thereof; and he shall also, with the dvice and assistance of the auditor general, prepare a form for e necessary vouchers and accounts required in all the moneyed ansactions of the board, or any of the commissioners, and shall esignate as definitely as possible, the evidence required or [on] he payment of accounts, and shall also prepare instructions to To elect president, &c. President to attend meetings of board, prepare form for vouchers and accounts, also instructions for engineers, &c.

the commissioners and engineers, specifying as particularly as the nature of the case will admit, the accounts to be paid and the manner of vouching for the correctness thereof.

Commissioners, engineers, &c. not to be interested in contracts.

Sec. 7. No commissioner, engineer or other salaried officer in the employment of this state, shall be interested directly or indirectly in any contract on any of the public works of this state, and every person violating the provisions of this section, shall be deemed to have vacated his office, and shall be liable to pay a fine not less than five hundred dollars and not more than twenty thousand dollars.

Board to determine mode of letting contracts: notice to be given of time and place of letting.

Sec. 8. The board shall order and determine the manner and mode of letting contracts: Provided, however, That no portion of any line of canal or railroad or other public work, shall be let without giving at least thirty days' notice of the same, and of the time and place, in three or more of the public journals published within the state, of which the state paper shall be one.

Bond to be given before commissioners enter upon duties of office.

Sec. 9. Each commissioner so appointed shall, before entering upon the duties of his office, enter into a bond to the people of the state, in the penal sum of thirty thousand dollars, with at least two sufficient sureties, who shall be freeholders, conditioned for the faithful discharge of the duties enjoined upon him or that may hereafter be enjoined upon him by law, and for the faithful accounting of all moneys entrusted to him as such commissioner, whenever and as often as he may be required so to do by law, or by resolution of the board, which said bond shall be approved of by the auditor general, and filed in his office.

Board may order advances to any commissioner not exceeding $12,000.

Sec. 10. The board of commissioners, whenever they shall deem it advisable in prosecuting any work, may order any sum of money, not exceeding twelve thousand dollars, to be paid out of the fund for internal improvement to any commissioner who may have charge of such works, to be expended upon the same; and it shall be the duty of every commissioner to take duplicate receipts for all sums of money which he may advance and pay to engineers, contractors and other persons for or on account of public works in progress under their charge respectively; and no further advances shall be made to any commissioner, until he shall have presented to the auditor general satisfactory vouchers for at least two-thirds of the amount so advanced as aforesaid; but the said auditor shall never advance upon the reception of such vouchers, a sum which, added to the amount not accounted for, shall exceed twelve thousand dollars.

Duplicate receipts for money paid to be taken.

When further advances may be made.

Amount not accounted for never to exceed $12,000.

11. The board of commissioners may, at any time when Board may make advances for purchase of engines, &c.
ıll be of opinion that the public service shall require it,
ıdvances for the purchase of locomotive engines, materials,
or machinery necessary to be employed or used in the
or constructing of any of the public works.

12. It shall be the duty of the commissioners to disburse To disburse funds received by them.
ɔublic works, in the payment of contractors and other per-
the employment of the state, the funds received by them
purpose as commissioners.

13. The commissioners of internal improvement are hereby To establish rates of tolls, erect toll-houses, &c.
ɛed and required to establish the rate of tolls, subject,
r, to the direction of the legislature, to be paid on all the
conveyed on any of the canals or railroads now owned
ıfter to be constructed by the state, and to erect all such
ɜes, weighing-scales, offices and other edifices, and also to
e such grounds for the convenience thereof, as they may
ɛcessary for the convenience and profitable use of their
ınd railroads; and they are hereby authorized from time
to make all such rules and regulations, in respect to the
ɔn of tolls and the payment thereof, as they may deem
ıt.

14. Said board may employ such and so many engineers, To employ engineers, surveyors, &c.
rs, draftsmen, architects and other persons, as in their
may be necessary to enable them to fulfil and discharge
ɛs imposed upon them by law, and allow and pay the said
rs, surveyors, draftsmen, architects and other persons for
ɜpective services, such sum or sums as may be adequate
ɔonable; and also to contract for and purchase all neces- Purchase instruments for engineers.
truments for the use of the engineers so employed by them
the benefit of the state. *Provided*, That the chief engi- Not to employ more than three chief engineers and nine assistants; their salaries.
[on] any of the works of internal improvement, shall not
more than at the rate of fourteen hundred dollars per
and the assistant engineer at the rate of eight hundred
per annum, in full for all services performed and expen-
rred by such chief or assistant engineer: *And provided*
That not more than three chief engineers and nine as-
ɛngineers shall be employed on the public works by the
ɜioners.

15. The said board are hereby empowered to receive any Board may receive cessions of lands to state.
or grants for the use of the people of this state, from any

person or persons, of any lands through which any line of canals or railroad or other public work shall have been located. Said board of commissioners shall be and they are hereby vested with all the privileges and powers necessary for the location, construction and keeping in repair all canals, railroads and other improvements of which they may have charge; and the said board, their agents, or those with whom they may contract for working or repairing any of said works of internal improvements, or any parts thereof, on paying or tendering to the owner or owners the damages awarded by the commissioners appointed by the provisions of the twenty-sixth section of this act, may enter upon, use and excavate any land which may be wanted for the site of the same, or any other purpose which may be necessary in the construction or repair of any of said works, and to use any timber or other materials on said lands for the purposes aforesaid.

Vested with necessary powers for location, construction, &c. of works.

May enter upon land, &c. on paying or tendering to owner damages assessed by commissioners.

Board to meet annually, &c.

Sec. 16. Said board shall meet annually, on the first Tuesday of January in each and every year, at the city of Detroit, or at such other place as shall hereafter be designated as the seat of government, or at such place as the legislature shall meet, and they may, as often as they shall deem it expedient or necessary, meet from time to time at such other place or places as they may agree upon; they shall continue in session at their annual meeting until they have made and transmitted all reports appertaining to the condition and progress of all public works in their charge, and shall, as often as they may be thereunto required by resolution of either house, report and give information on any subject or matter connected with the public works; they shall also, on or before the first Tuesday of February in each year, settle and account to the treasurer of the state for all moneys received by them from the internal improvement fund.

Annually to account to treasurer for all moneys received by them.

Their salary.

Sec. 17. The commissioners shall be entitled to receive the sum of fourteen hundred dollars per annum in full for their services and expenses, to be paid out of the internal improvement fund, by the warrant of the auditor general on the state treasurer.

Engineers to take and subscribe oath.

Sec. 18. That it shall be the duty of the several engineers employed in the service of the state, to take and subscribe the oath or affirmation required by the constitution of this state, which oath or affirmation may be taken before any person authorized to administer oaths, and be filed in the office of the board.

When commissioners to require of contractors a bond for the faithful payment of laborers employed by them.

Sec. 19. It shall be the duty of the several commissioners to quire of each and every individual who shall hereafter enter o any contract for the construction of any part of the public orks under his charge, or for the furnishing of materials for the me, and who shall, during the progress of said work, employ any one time ten or more persons as laborers on said work, to liver to said commissioners a bond, in a penal sum to be named said commissioners, with good and sufficient securities, condi- ned for the faithful payment of the several persons employed such contractor on said work, at least once in each and every nth, the full amounts due such persons, if the same shall be manded, in funds current at the place of payment; and if the nditions of said bond are not complied with, then it shall be vful for said commissioners to retain the amount due said con- ctor by the terms of his contract, until said demands are fully id; or said commissioner may pay or cause the same to be id out of said amount retained, if it should be sufficient for the me, and if not, to pay the amount retained pro rata to the veral persons employed and unpaid as aforesaid: and also to osecute said bond, and out of the moneys collected, to pay said bts, with the interest thereon and costs of the suit.

In case bond is not complied with, may retain moneys due to contractor, &c.

Skillful engineers to be employed to run locomotive engines; when com'rs to pay for injury done cattle, &c.

Sec. 20. It shall be the duty of any commissioner having arge of any railroad now completed and in operation, or of any lroad which may be completed hereafter, to employ skillful and creet engineers to run locomotive engines on said railroads, d if in the running of said engines, said engineer shall injure or l any horse, catttle, sheep or swine, it shall be the duty of the mmissioners on said road, as soon as practical after he shall ve been informed thereof, to ascertain the facts in relation to e same; and if on said examination it shall appear that such ury and damage was caused by the gross carelessness or wilful sconduct of such engineer, the amount of damages so sustained all be paid to such individual by the commissioners, and the me shall be deducted from the pay of such engineer, provided much is due to such engineer by the state, and if not, it shall the duty of the commissioner to prosecute and collect the ount of such damage from such engineer, in the name and be- lf of the state, and for damage done before the passage of this t, the said commissioners are hereby authorized and required to certain the amount and pay for the same at their fair cash value it of any money belonging to the internal improvement fund.

To pay for all damage heretofore done.

Superintendent of repairs, his duties.

Sec. 21. It shall be the duty of the commissioner having charge of any railroad in operation, to employ a competent and fit person as superintendent of repairs, whose duty it shall be to take charge of the road, under said commissioner, and to employ all necessary assistance in keeping said road in fit and proper repair at all times, to keep a check roll of the hands employed, and the prices paid each, and submit the same to said commissioner at least once in thirty days for his inspection and approval, and on receiving the certificate of said commissioner, to present the same to the collector of said road, as the commissioner shall direct, for payment, and to be charged to the account of the expenses of running said road, and to be paid by said collector out of the receipts of said road.

Commissioners may allow individuals to put cars upon road, and may sell cars belonging to state.

Sec. 22. It shall be the duty of the commissioners of internal improvements, whenever in their opinion it shall be for the interest of the state, to allow any person or persons to furnish their own cars for the transportation of produce, merchandize or any other article, and to sell and dispose of the freight cars now owned by the state, and to determine the rate of toll for furnishing the motive power to draw said cars and the different articles transported thereon, which rate of tolls shall be published and posted in the different collector's offices, depots, watering stations, and such other places as they may think proper, subject, however, to such alterations as the legislature may from time to time direct.

In case of doubt two or more chief engineers may be required to examine location or construction of work.

Sec. 23. Said board of commissioners or any commissioner, are hereby authorized, in all cases of doubt or difficulty on the part of a commissioner or engineer in relation to the proper locating of a line or the construction of a particular piece of work on said line of improvements, to require the attendance of any two or more of the principal engineers in the employ of the state, to examine the same and the questions connected therewith, and if any, if necessary, to obtain their opinions in writing, for the purpose of determining the proper location or method of construction, and to lay the same before the board for their action, if any should be necessary.

Three com'rs to appraise damages, to be appointed by governor and senate; their duties.

Sec. 24. The governor, by and with the advice and consent of the senate, shall annually appoint three reputable freeholders as commissioners to appraise damages on the line of the several works of internal improvements, whose duty it shall be, at the request of any of the commissioners or claimants of damages on

any part of the public works which may have been ordered by the board to be prepared for letting to contract or heretofore let, to proceed to examine the lands, buildings or materials wanted or taken by the state for the use of any of the works, for any damages occasioned by the construction of such works, to view the said premises and materials, and [on] such view to ascertain and determine the amount due such claimant and certify the same to the commissioner having charge of the work, which certificate shall be under the hands and seals of at least two of said commissioners, setting forth the names of the claimants, a short description of the premises wanted or taken, the amount to be paid for said lands or materials, or for damages done the same, and specifying each, with the nature of the claim presented, and all such other information as they may have in relation thereto; and that said certificate, so made and delivered to the commissioner, shall be sufficient authority for him to pay such appraisal, and when paid, shall be filed in the office of the board of commissioners of internal improvement, and a copy thereof shall be filed in the office of the auditor general. The said commissioners, before entering on the duties of their office, shall take and subscribe the oath or affirmation prescribed by the constitution of this state, and it shall be their duty under this oath, faithfully and honestly and impartially to appraise the damages of the several persons whose claims shall be presented to them for appraisal, according to the best of their ability, which oath or affirmation may be taken before any person authorized to administer oaths, and shall be filed in the office of the board. In ascertaining the damages to real estate, the commissioners may take into consideration the benefits, if any, which said claimant may derive from such improvement. Said commissioners shall be entitled to receive the sum of three dollars for each and every day necessarily employed, or three dollars for every thirty miles' travel in lieu of his per diem allowance, in the discharge of the duties herein prescribed, to be paid out of the fund for internal improvements, by the warrant of the auditor general on the state treasurer, and such payments shall be charged to the several works of internal improvement, on which the service may have been rendered: *Provided*, The commissioners shall not be called upon to appraise damages on the St. Marie canal: *Provided, always*, That any person or persons considering themselves aggrieved by the deci-

Certificate of damages authority for com'r to pay same.

To take oath before entering on duties of office.

To take into consideration benefit of improvement; their compensation.

Appeal from decision of appraisers.

sion of said board, so made as aforesaid, shall give notice within ten days to the commissioner on said road, of his intention to appeal to the next term of the circuit court of the county where the premises are situated, who may then and there appear before said court, and have his, her, or their damages assessed by a jury, and upon their verdict being rendered, the clerk of said court shall certify the same under the seal of said court, which shall be a sufficient voucher to the commissioner on said road for the payment of the verdict according to the provisions of this section.

Costs. But if said claimant does not recover greater damages than allowed by the commissioners, he shall pay all costs. If he recovers a larger sum, then the state shall pay all costs.

Commissioners to take release of claimant's interest, &c. Sec. 25. It shall be the duty of the commissioners, on the receipt of the certificate of damages awarded as aforesaid, to obtain from the claimant a release of his or her interests in said lands described in said certificate, under his or her hand and seal, and said claimant shall procure satisfactory evidence to said commissioners, or the certificate of the register of the county, that he or she is the legal owner of said lands, and that the same is unincumbered, and the said commissioner shall then pay such claim and take the necessary vouchers for the same, to be allowed by the auditor general. Such release shall be recorded in the proper county, and filed in the office of the board.

Release to be recorded.

Collector to pay superintendents of repairs, and expenses of running road. Sec. 26. It shall be the duty of the collector of any railroad belonging to the state, to pay the accounts of the superintendents of repairs when certified by the commissioner on said road, and also the ordinary expenses of running said road, out of the moneys collected by him for freight and transportation, including the pay of engineers, smiths, artizans and other persons employed in and about the depot buildings, and for the purchase of oil and fuel, unless the commissioner shall direct the purchase of fuel to be made by the keepers of water stations; that each keeper of a water station shall keep a check roll of the persons employed by him, and the prices paid each, and shall present the same to the commissioner for his approval, and if correct, the same shall be certified by the commissioner, and paid by the collector aforesaid; that it shall be the duty of such collector to keep a separate account of the moneys paid out for repairs, expenses of engineers, oil, fuel, and keepers of depots, and the different expenses of each, and said accounts, with the vouchers therefor, shall be submitted

Keeper of water stations to keep check roll.

Collector's accounts to be approved by commissioner.

to the commissioner and certified and approved by him, before the same shall be passed to the credit of said collector.

Sec. 27. If each or any of the several persons required in and by this act to take an oath or affirmation, shall knowingly or wilfully swear false or violate said oath, he or they shall be deemed guilty of perjury, and may be prosecuted in any court having jurisdiction thereof, and if convicted thereof, shall forever thereafter be disqualified from holding any office of trust or profit in this state. Wilfully swearing false.

Sec. 28. That the act entitled "An act for the regulation of internal improvements, and for the appointment of a board of commissioners," approved March 21, 1837, and the several acts amendatory to the same, be and they are hereby repealed. Repeal.

Sec. 29. This act shall take effect from and after its passage. Act take effect.

Approved April 20, 1839.

[No. 105.]

An Act to amend the chapter of the Revised Statutes entitled "Of Primary Schools."

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the assessment of each and every school district, heretofore organized in this state, may be made by the first day of June next, and shall be as valid as if the same had been made within thirty days after the election of officers in said district for the year eighteen hundred and thirty-eight. Assessment in districts heretofore organized.

Sec. 2. This act shall not release the assessor of such school district from any penalty incurred by neglecting his official duty. Assessor not released from penalty incurred.

Sec. 3. The first selection for the site of a school-house may be made by a majority of the voters present, at any regular meeting for that purpose called; but whenever once selected, it shall require the vote of two-thirds of the voters to remove the same. Site of school-house.

Sec. 4. In section nine, strike out "the most public place" and insert "three of the most public places." Sec. 9 amended.

Sec. 5. In section thirteen, fourth clause, strike out the second proviso, being all of said clause after the word "school" in line five of said clause. Sec. 13, 4th clause of, amended.

Sec. 13, substitute for 7th clause of.

Sec. 6. Strike out the seventh clause of section thirteen, and substitute in lieu thereof, as follows:

"*Seventh.* To provide for the expenditure of the apportionment of school moneys, in the support of a school during the school year in which the same shall accrue or be received;" and the third clause of section eighteen, shall also be stricken out, and the following substituted in lieu thereof:

Sec. 18, substitute for 3d clause of.

"*Third.* To call a meeting of the inhabitants of the district having scholars, at the request of any two such inhabitants, to make such provision as they may deem necessary for the continuance of a school, after the apportionment of school moneys to the district shall have been exhausted; and the expenses of so continuing the school, shall be assessed upon and paid by the parents or guardians of the scholars, in proportion to the number of scholars and the length of time such scholars shall severally be signed for or sent to school."

No tax to be levied without vote of two thirds.

Sec. 7. No tax shall be levied by any school district, except by the concurring votes of two-thirds of the voters present, at any regular meeting for that purpose called. And no school district shall incur any penalty, nor be deprived of its proper proportion of any school or library fund, by reason of its not having raised and collected a district tax within and for such school district.

District not deprived of school fund by neglect to raise tax.

County commissioners to raise such school tax only as township direct.

Sec. 8. It shall be the duty of the county commissioners at their annual meetings, to add to their tax rolls for each township within the county respectively, such school tax only, as the taxable inhabitants of such township shall at their annual township meeting direct for such purpose, to be raised for that year; and which the proper school inspectors shall have certified to such commissioners.

Sec. 15 amended.

Sec. 9. Add to section fifteen a proviso in the words following:—"*Provided*, That in case of any person elected as assessor, refusing to serve, it shall be the duty of the directors to prosecute for the same."

Sec. 17, 4th clause of, amended; return of lands for unpaid taxes.

Sec. 10. The fourth clause of section seventeen shall be amended by striking out at the end of said clause these words: "And it shall be the duty of the treasurer to sell the lands and tenements for the collection of said school tax, in the same manner as is required for the collection of township and county taxes," and inserting as follows:

"In all cases in which a library or a common school tax shall

heretofore have been, or hereafter may be assessed upon real estate, and which tax may not have been, or hereafter may not be duly collected without a sale of such real estate, the said outstanding and unpaid taxes shall be considered as standing upon the same footing, (for the benefit of the proper school district,) as unpaid county taxes, returned by the proper officer, to the state treasurer; and the same returns shall be made, and the same action shall be had, as near as may be, in the premises, for the benefit of such school districts respectively, as are required in the case of unpaid county taxes: and such school districts shall be entitled to receive the same benefit of obtaining the amount of such unpaid taxes, under the same circumstances, and upon the same terms and conditions, as the counties respectively are entitled to, by virtue of the twenty-fourth section of chapter five, title five, part first of the revised statutes, or in virtue of any other provisions of law in that behalf. And it shall be the duty of the county treasurer, and all other officers, to proceed thereon as in the case of unpaid township or county taxes, as near as may be, and this provision shall apply to all such taxes as may have been or shall be returned from and after the taking effect of the revised statutes; and it shall be the duty of the several county treasurers, into whose hands any moneys shall come, or may heretofore have come, on account of any unpaid taxes assessed in any school district, to pay over the same to the school inspectors of the proper township, or to their order; and said inspectors shall pay over to the assessor of the proper district, the money received upon the returns of taxes unpaid on lands within the limits of such district, which money shall be applied by the district board according to the direction of the district at any district meeting."

Sec. 11. The ninth clause of section eighteen shall be amended by adding to the first item to be embraced in the annual report of the school director, as follows: "According to a census to be taken within fifteen days of the close of the school year;" and by adding at the end of said clause an additional item, to be embraced in the reports aforesaid, in the words following: Sec. 18, 9th clause of, amended, and additional clause added.

"*Tenth.* The number of scholars who have attended private schools during the year within their district, specifying the number between the ages of five and seventeen inclusive, and the

number residing within, and the number out of the district, as near as the same can be ascertained."

Sec. 19, substitute for 4th clause of.

Sec. 12. Strike out the fourth clause of section nineteen, and substitute as follows:

"*Fourth.* To apply and pay over all school moneys belonging to the district, in accordance with the provisions of law regulating the same, and as may be directed by the district: *Provided*, That no school money shall be paid to any teacher who shall not have received a certificate in pursuance of the twenty-ninth section of this chapter."

Sec. 21 amended.

Sec. 13. Add to section twenty-one, as follows: "not to exceed seventy-five cents per day."

Sec. 24, 2d clause of, amended.

Sec. 14. Add to the second clause of section twenty-four, an additional proviso in the words following: "*And provided*, That all contiguous lands owned by any person residing in any school district, not exceeding in amount three hundred and twenty acres, or in the case of French grants, extending two miles in depth, shall belong to and be assessed in the school district in which the owner or occupant resides, and not in any other."

Sec. 24, additional clauses added.

Sec. 15. Add to section twenty-four, the following additional clauses:

Districts formed from others, to receive proportion of property of districts from which they were taken.

"*Sixth.* When a new district shall be formed in whole or in part from one or more districts possessed of a school-house or library, or entitled to other property, the inspectors, at the time of forming such new district, shall ascertain and determine the amount justly due to such new district, from any district out of which it may have been in whole or in part formed, as the proportion of such new district, of the value of the school-house and other property belonging to the former district at the time of such division.

Proportion how ascertained.

"*Seventh.* Such proportion shall be ascertained and determined according to the taxable property of the inhabitants of the respective parts of such former district at the time of the division, by the best evidence in the power of the said inspectors, and deduction shall be made therefrom for any debts due from the former district.

How assessed and collected, and to whom paid.

"*Eighth.* Such proportion when so ascertained and determined, shall, with the expenses of collection, be assessed and collected by the district board, or the proper officers of the district board of the district retaining the school-house or other property of the

former district, upon the taxable property of their district, in the same manner as if the same had been authorized by a vote of their district, and when collected, shall be paid over to the assessor of the new district, to be applied to the use of said district in the same manner, under the direction of the district, by its proper officers, as if such sum had been voted and raised by said district for building a school-house or other school district purposes: and the moneys so paid to the assessor of the new district, shall be placed to the credit of the taxable property taken from the former district, in reduction of any tax imposed in the new district on the taxable property therein, for school district purposes."

Sec. 16. In section thirty-four, strike out the words "the sum of one dollar and fifty cents per day," and insert "a sum not exceeding one dollar each per day." Sec. 34 amended.

Sec. 17. Strike out section forty-three, and substitute therefor as follows: Sec. 43 struck out; substitute therefor.

"Sec. 43. In case any moneys apportioned to any township shall not be applied for by the inspectors of such township, during the year in which the same shall accrue, the moneys so unapplied for, shall remain in the county treasury, subject to the order of the inspectors of such township, and when received, shall be applied by said inspectors according to the provisions of this chapter." Money apportioned to township not applied for to remain in county treasury.

Sec. 18. In section forty-four, strike out the word "annual." Sec. 44 amended.

Sec. 19. Strike out section forty-seven and substitute as follows: Sec. 47 struck out; substitute therefor.

"Sec. 47. In case of a vacancy in the office of school inspectors in any township, the collector of such township shall pay over the moneys specified in the foregoing section, to the county treasurer, to be held subject to the order of the inspectors of the township, according to the provisions of the forty-third section of this chapter." When collector to pay over money to county treasurer.

Sec. 20. Add to the chapter an additional section in the words following: Additional section.

"Sec. 49. It shall be lawful for any person paying taxes in any school district, to send scholars to any district school in such district, and shall have and enjoy for that purpose, all the rights and privileges of residents of such district, except that of voting: *Provided*, That in the apportionment of moneys from the school fund, scholars so sent shall be considered as belonging to that school district." Pesons paying tax in district may send scholars there.

District board may order certain unpaid taxes for building school-houses, to be collected.

Sec. 21. And if by reason of accident, neglect or other cause, any tax assessed or levied within any school district for the building of a school-house, the whole of such tax should not have been collected, the same collector to whom the warrant for the collection thereof may have been delivered, or his successor in office, may, under the direction of the district board, proceed with and finish the collection thereof, although the time in such warrant mentioned, in which such collection should have been made, may have expired; and if some such tax should remain chargeable upon real estate, then such proceedings shall be had, as in other cases, so that by sale, the same shall be finally collected.

When districts entitled to proportion of school fund.

Sec. 22. Every school district within this state shall be entitled to demand, have and receive its proper proportion of library money and school money, yearly and every year, notwithstanding that by reason of accident, negligence, or any other cause, the proper school inspectors, or any other of the county, district, or township officers may not have exercised their powers fully and regularly, or may not have made their returns regularly in time; and notwithstanding that no tax for the library, school-house, or common school may have been regularly assessed or collected in and for such school district or township for any year; but every school district shall be entitled to receive its proportion of library money and common school money, according to the number of inhabitants and children between five and seventeen years of age, within such district and township, as in other cases: *Provided*, That no school district shall be entitled to its distributive share of said funds, unless there have been kept a common school within the same, at least three months in each year.

After part of district is set off into a separate district taxes not to be collected of such part.

Sec. 23. In cases where any portion of one or more school districts shall be or shall have been set off as a separate school district according to law, it shall not be competent for the district or districts (or the officers thereof) from which such new district was or may be set off, to collect any tax which may be or may have been assessed upon such new district, or any part thereof, after such new district may have been set off.

Act take effect.

Sec. 24. This act shall take effect and be in force from and after the passing thereof.

Approved April 20, 1839.

[No. 106.]

An Act entitled "An act to legalize the annual township meetings for the year one thousand eight hundred and thirty-nine.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That all annual township meetings for the year one thousand eight hundred and thirty-nine, of which no notice was given by the township clerks, as required by the fourteenth and fifteenth sections of chapter first, title fourth, part first of the revised statutes, relative to townships and township officers, shall, to all intents and purposes, be good and valid in law, the same as if such notice had been given.

Approved April 20, 1839.

[No. 107.]

An Act to legalize the late township meeting in the township meeting in the township of Holly, in the county of Oakland.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the proceedings of the township meeting of Holly, in the county of Oakland, in April, eighteen hundred and thirty-nine, shall be as valid in law as if the same had been held at the house to which the same was adjourned at the annual meeting in April, eighteen hundred and thirty-eight.

Approved April 20, 1839.

[No. 108.]

An Act for the relief of David Brown and Samuel Clark.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan,* That the treasurer of the county of Genesee, be and he is hereby authorized to pay to David Brown, the sum of twenty-four dollars, and to Samuel Clark, the sum of sixteen dollars, being money justly due said Clark and Brown for wolves heretofore destroyed by said Brown and Clark,

the above sums to be paid out of any money in the treasury of the county of Genesee.

Approved April 20, 1839.

[No. 109.]

An Act to amend "An act to incorporate the Saginaw and Genesee railroad company."

Company may borrow money.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the president, directors and company of the Saginaw and Genesee railroad company, shall have power to borrow money, on loan, to enable them to finish the works of the company, and to give mortgages or other securities for the payment thereof, the same to be convertible or not convertible into stock, as may be deemed expedient.

Time extended to construct road in.

Sec. 2. That the time allowed by the fifth section of the act to which this is amendatory, to construct, finish and put in operation twenty-five miles of said road, be hereby extended to five years from the passage of this amendatory act, and that the time allowed for completing and putting into operation the whole of said railroad, be hereby extended to the period of eight years from and after the passsage of this amendatory act: *Provided*, That the aforesaid company shall never make application to dispose of this road to the state.

Approved April 20, 1839.

[No. 110.]

An Act to legalize the official acts of John Dewey, a justice of peace in Jackson county.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the offic al acts during the year eighteen hundred and thirty-eight, of John Dewey, a justice of the peace in and for the town of Napoleon, in Jackson county, be and they are hereby declared to be as good and valid in law, as they would have been if he had taken the oath of office according to the provisions of the statute approved March fourteenth, eighteen hundred and thirty-six.

Approved April 20, 1839.

[No. 111.]

Act for the relief of the Detroit and Pontiac railroad company.

ection 1. *Be it enacted by the Senate and House of Represen-*
ves of the State of Michigan, That the time for completing the
roit and Pontiac railroad, shall extend and be continued until
first day of February next, any law to the contrary notwith-
ıding.
ıpproved April 20, 1839.

[No. 112.]

Act to amend "An act to establish the state bank of Michigan."

ection 1. *Be it enacted by the Senate and House of Repre-*
tatives of the State of Michigan, That the nine branches of
said state bank are hereby located and established as follows:
)ne branch at Detroit, in the county of Wayne.
)ne branch at Monroe, in the county of Monroe.
)ne branch at Adrian, in the county of Lenawee.
)ne branch at Ann Arbor, in the county of Washtenaw.
)ne branch at Niles, in the county of Berrien.
One branch at Jackson, in the county of Jackson.
One branch at Pontiac, in the county of Oakland.
One branch at Mt. Clemens, in the county of Macomb.
One branch at Marshall, in the county of Calhoun.
Sec. 2. This act shall take effect from and after its passage.
Approved April 20, 1839.

[No. 113.]

n Act amendatory to "An act to provide for the government and discipline of the state penitentiary, and for other purposes."

Section 1. *Be it enacted by the Senate and House of Repre-* Certain acts to take effect from passage of this act.
tatives of the State of Michigan, That the act entitled "An
; to provide for the government and discipline of the state peni-

tentiary," approved April seventeenth, one thousand eight hundred and thirty-nine, and the act supplementary to "An act authorizing the building of the state penitentiary," approved April nineteenth, one thousand eight hundred and thirty-nine, shall take effect and be in force from and after the passage of this act.

Sec. 2. This act shall take effect from and after its passage.

Approved April 20, 1839.

[No. 114.]

An Act to incorporate the Genesee and Saginaw navigation company.

Commissioners.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That Gardner D. Williams, Ephraim S. Williams, Perry G. Gardner, James Frazier, Norman Little, W. L. P. Little, Thomas J. Drake, Benjamin Pearson, Robert F. Stage, Wait Beach, Charles C. Hascall, and T. L. Brent, be and they are hereby appointed commissioners, under the direction of a majority of whom subscriptions may be received to the capital stock of the "Genesee and Saginaw navigation company," hereby incorporated; and they shall cause books to be opened at the village of Flint and city of Saginaw, for the space of three days, at such time as they shall direct, for the purpose of receiving subscriptions to the capital stock of such company, first giving thirty days' notice, in at least two newspapers printed in this state, of the time of taking subscriptions at the places aforesaid.

Books to be opened for subscription.

Capital; shares; body corporate.

Sec. 2. The capital stock of such company shall be one hundred thousand dollars, in shares of twenty-five dollars each; and as soon as five hundred shares of such stock shall be subscribed, the subscribers thereto, with such other persons as shall associate with them for that purpose, their successors and assigns, shall be and they are hereby created a body corporate and politic, by the name of the "Genesee and Saginaw navigation company," with perpetual succession, and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, either real or personal or mixed, so far as the same may be necessary for purposes hereinafter mentioned and no further. And in their

corporate name may sue and be sued, may have a common seal, which they may alter and renew at pleasure, and shall have, enjoy and may exercise all the powers, rights and privileges which appertain to corporate bodies, for the purposes mentioned in this act.

To make slack water navigation on Flint river, and canal from the same to Cass river.

Sec. 3. Said corporation hereby created shall have power and are hereby authorized to enter upon the River Flint, and upon the lands upon either side, and to use the rocks, stones, gravel or earth which may be found thereon, in the construction of their works, by and with the consent of the owners or occupiers of the land; and to form and make, erect and set up any dams, locks, or any other device whatsoever, which they may think most fit and convenient, to make a complete slack water navigation, between the points herein mentioned, to wit: from the village of Flint, situate on the River Flint, in Genesee county, down said river to some point on section number thirty-five or thirty-six, in township number eleven north, of range number four east. And also to survey, establish and construct a canal from said last mentioned point, on the River Flint, on the most direct and eligible route to the River Cass, with all the locks, aqueducts, culverts, bridges and embankments which they may deem necessary or convenient. The locks shall be of sufficient width and length to admit a safe and easy passage for steamboats, barges, and other craft, up as well as down said river and canal; they shall make amends for any damages that may be done on said lands, and pay the owner or owners for the materials taken away, as well as for the land occupied in the construction of the said dams and water-works.

Entitled to water power created thereby; may erect mills, &c.

Sec. 4. The said corporation shall have the privilege and be entitled to use the water power of said river and canal created in constructing the canal herein authorized, to propel such machinery as they may think proper to erect on the land which they may previously have purchased from the owner or owners, or may sell in fee, lease or rent for one or more years the said water power to any person or persons, on such terms as shall be most advantageous to the corporation, and are hereby authorized to invest their funds in erecting mills, workshops, machinery, and building boats: *Provided*, That it may be so done that it shall not injure, impede or interrupt the navigation; and that the moneys arising from such sale of the water power, be applied to the use and benefit of said corporation.

Time to commence work is limited.

Sec. 5. If such corporation shall not within two years from and after this act, commence the construction of said canal and locks and dams, and shall not within five years complete the clearing, damming and locking of said river, and the construction of said canal, then the rights, privileges and powers of said corporation shall be void.

When commissioners to call meeting of stockholders.

Sec. 6. Whenever four hundred shares of the capital stock shall have been subscribed, the commissioners shall call a meeting of the stockholders at such time and place as they may appoint, by giving thirty day's notice of such meeting in the manner prescribed in the first section of this act, and at such meeting shall lay the books of subscription before the subscribers then present; and thereupon the stockholders may elect seven directors by ballot, a majority of whom will be competent to manage the affairs of such company; and said directors are empowered to elect one of their number president, and on all occasions when a vote of the stockholders is to be taken, each and every share shall entitle the holder thereof to one vote, either by himself in person, or by proxy.

Stockholders to elect directors; president; each share of stock entitled to vote.

Directors to be chosen annually; vacancy.

Sec. 7. To continue the succession of president and directors of said company, seven directors shall be chosen annually, on the first Monday of October, at such place as may be appointed by the directors; and if any vacancies shall occur by death, resignation or otherwise, of any president or director, before the year for which he was elected shall have expired, such vacancy for the remainder of the year may be filled by the directors of said company, or a majority of them. The president and directors of said company shall hold their offices for one year, and until others are chosen and qualified in their stead; all elections which are by this act, or by the by-laws of the company, to be made on any particular day, if not made on such day, may be made at any time thereafter, provided the notice contemplated in the first section of this act shall have been given.

Meetings of stockholders.

Sec. 8. A general meeting of the stockholders of said company shall be held annually, at the time and place appointed for the election of president and directors; and a meeting may be called at any time during the interval between the said annual meetings, by the president and directors, or by the stockholders owning not less than one eighth of the stock, by giving thirty days' notice of the time and place of meeting, in the manner hereinbefore pre-

scribed; and when any such meeting is called by the stockholders, the particular object of such meeting shall be stated; and if at any meeting thus called a majority of the stockholders are not present, in person or by proxy, such meeting shall be adjourned from day to day, not exceeding three days, without transacting any business; and if within three days, stockholders having a majority of the stock do not attend such meeting, then the said meeting shall be dissolved.

Statement of affairs of company.

Sec. 9. At the regular annual meeting of the stockholders of said company, it shall be the duty of the president and directors in office for the preceding year, to exhibit a clear and distinct statement of the affairs of the said company; and at any meeting called by the president and directors, or by the stockholders, as provided in the eighth section of this act, a majority of those present in person or by proxy, may require similar statements from the president and directors, whose duty it shall be to furnish them when thus required; and at any meeting of the stockholders, a majority in value of all the stockholders in said company may remove from office any president or any of the directors of said company, and appoint others in their stead.

Officers to be sworn.

Sec. 10. Every president, director, secretary and treasurer of said company, before he acts as such, shall swear or affirm that he will well and truly discharge the duties of his office, to the best of his skill and judgment.

Engineers, agents, servants, &c.

Sec. 11. The said president and directors, or a majority of them, shall have power to appoint, contract with and determine the compensation of all such officers, engineers, agents and servants whatsoever, as they may deem necessary for the transaction of the business of the company, and remove them at pleasure: and the said president and directors, or a majority of them, shall have power to determine the manner of adjusting and settling all accounts against the company; also the manner and evidence of the transfers of the stock of said company, and they shall have power to pass all by-laws which they may deem necessary for carrying into execution all the powers vested in the company hereby incorporated: *Provided*, Such by-laws shall not be contrary to the constitution or laws of the United States or of this state.

Sec. 12. The president and directors of said company shall be and they are hereby invested with all the privileges and powers

Vested with powers necessary for location and construction of canal, &c.

necessary for the location, construction and keeping in repair said canal, and said aqueducts, locks, dams, culverts and embankments aforesaid; and the said president and directors, or their agents, or those with whom they may contract for constructing said canal, aqueducts, locks, dams, culverts or embankments, or clearing out said river or any part of it, may enter upon, use and excavate any land which may be wanted for the purposes of constructing said canal, or improving the navigation of said river, or any other purposes connected therewith, so soon as the amount of compensation therefor is agreed upon and paid, as heretofore provided.

Dams, locks, &c., to be kept in good repair.

Sec. 13. If the president and directors of said company shall neglect and refuse to keep in good order and repair any dam, lock or sluice of their own construction, or shall neglect to remove any obstacle which may occur therein, so that boats, barges, rafts and vessels cannot at all times safely navigate said river and canal, when the same is not prevented by ice, or other unavoidable cause, they shall, for each and every such offence, pay the sum of fifty dollars, to be recovered in the same manner as debts of equal amount are or shall be by law recoverable, one half to the use of the informer, and the other half to the use of the poor of the county where the neglect or refusal may occur.

Injuring dam, locks, &c.

Sec. 14. If any person or persons shall wilfully and knowingly do any act or thing whereby the navigation shall be impeded, or any dam, lock, gate or engine, machine or device therein belonging, or any machinery or property of the machinery, shall be injured or damaged, he, she or they so offending, shall forfeit and pay to the said company double the damages by them sustained, together with cost, to be recovered by action of debt, before any justice of the peace, or in any court of competent jurisdiction.

Not to impair rights heretofore granted to individuals to erect mill dams.

Sec. 15. Nothing herein contained shall at any time injure, destroy, or in any way impair any right, privilege or legal claim which may have been granted to individuals by any act or acts heretofore passed, for the purpose of erecting mill dams in said river, but such persons as have mill dams thereon, may have them constructed or raised to a proper height, in order that they may correspond with the work of the company hereby chartered, at their own proper cost and expense; and also may build and erect a suitable lock or locks and guard wiers, and the same to be inspected and approved by the said president and directors or a majority of them; and to maintain and keep the same in perfect

order and repair, to receive the same tolls in proportion, and be subject to the same penalties and forfeitures, and be liable to have process served on him, her or them, in the same manner as the president, directors and company are subject to, according to the provisions of this act; but if the owner or owners of such privilege shall, for six months after notice given by said president, directors and company, neglect or refuse to construct or repair his, her or their dam, and make his or her lock in the manner prescribed by the company, then the said directors and company shall have power to erect such dam and lock, and receive the toll in the same manner as other tolls are received proportionally.

Tolls.

Sec. 16. The president, directors and company, or such person or persons as they shall from time to time appoint, shall have power to charge and receive for tolls in said river and canal, such reasonable sums as shall be established by the by-laws of the company hereby incorporated, and approved by the legislature; and it shall not be lawful for any other company, or any other person or persons, to receive tolls on any portion of said river above referred to, or any part thereof, without the license or permission of the said president and directors of said company; and the shares of the capital stock of said company shall be considered personal property, and shall be transferable agreeably to the by-laws of said company, and subject to be taken on execution, agreeably to such laws as are or may hereafter be in force.

Stock personal property.

Dividends.

Sec. 17. The president or directors shall, at such time as the company by their by-laws may direct, declare and make such dividend as they may think proper, of the net profits from the resources of said company, deducting the necessary current expenses; and they shall make such dividend among the stockholders of said company in proportion to their respective shares.

Act to be favorably construed.

Sec. 18. This act shall be favorably construed to effect the purposes thereby intended, and the same is hereby declared to be a public act.

Not to flow lands of individuals, &c.

Sec. 19. Nothing herein contained shall be construed to authorize the company hereby incorporated to enter upon or flow the land of any person or persons without the consent of such person or persons; and the legislature may at any time so far amend this act as to provide for the further improvement of the navigation of said river.

Legislature may amend, &c., act.

Sec. 20. The legislature shall have power at any time to alter, or amend, or repeal this act; but such alteration or amendment

shall not divert the property or funds of said company from the purposes herein expressed.

State may purchase canal.

Sec. 21. The state shall have the right at any time to purchase and hold the said canal, for the use of the state, at a price not exceeding the original cost of the same, or work done, exclusive of the repairs thereof, and ten per centum thereon, of which cost an accurate account shall be kept and exhibited to the legislature, whenever required, duly attested.

Not to carry on banking.

Sec. 22. Nothing contained in this act shall be construed as to authorize the aforesaid company to carry on banking business, or issue any paper as a circulating medium.

Approved April 20, 1839.

[No. 115.]

An Act to amend the Revised Statutes, and to supply certain omissions therein.

Chap. 2, title 1, part 1, amended by adding new section.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That chapter two, title one, part first, (revised statutes, page six,) shall be amended by adding a new section thereto, to stand as section seven, in the words following:

Committee of legislature may administer oaths.

"Sec. 7. Any senator or representative, while acting as a member of a committee of the legislature, shall have authority to adminster oaths to such persons as shall be examined before the committee of which he is a member."

Chap. 4, title 2, part 1, sec. 1, amended.

Sec. 2. Section one, chapter four, title two, part first, (revised statutes, page fourteen,) shall be amended by inserting in the last line thereof between the words "section" and "fourteen," the words "thirteen and," and by striking out in the same line the words "and fifteen," so that said section as amended shall read as follows:

Section as amended.

"Sec. 1. As soon as the poll of the general election shall be finally closed, the inspectors shall immediately proceed to canvass and ascertain the result of the election, unless they shall deem it necessary to adjourn such canvass to some convenient hour of the next day; and if the canvass should be adjourned, the same course shall be observed in respect to the poll lists, boxes and

keys, as is required to be observed in sections thirteen and fourteen of the preceding chapter."

Also amend section three, of chapter [four,] title two, (revised statutes, page four hundred and thirty-two,) by striking out in the third line after the word "to," the words "and returning from," so that the section as amended will read as follows:

Chap. 4, title 2, part 3, sec. 3, amended.

"Sec. 3. No person shall be obliged to attend as a witness unless the fees are paid or tendered to him, which are allowed by law for one day's attendance as a witness, and for travelling to the place where he is required to attend."

Section as amended.

Sec. 3. Section six, chapter ten, title two, part first, (revised statutes, page twenty-five,) shall be amended by adding thereto as follows: "which election may be continued from day to day during such session of the legislature," so that said section as amended shall read as follows:

Chap. 10, title 2, part 1, sec. 6, amended.

"Sec. 6. On the first Tuesday of February next before the expiration of the time for which any senator was elected to represent this state in congress, if the legislature shall be then in session, and if not, then within ten days after a quorum of both houses shall be assembled at the then next meeting of the legislature, an election shall be held for a senator in congress, at the place where the legislature shall be then sitting, which election may be continued from day to day during such session of the legislature."

Section as amended.

Amend also section eight of the same chapter, by striking out the word "appointed," and inserting the words "deemed elected," in lieu thereof, so that said section as amended shall read as follows:

Sec. 8, same chapter, amended.

"Sec. 8. Such election shall be made in the following manner: the senate and house of representatives shall each openly nominate one person for the office of senator in congress, after which they shall immediately meet, and if they shall agree in their nomination [the person so nominated shall be deemed elected; if they shall disagree in such nomination] the election shall be made by a joint vote of the senators and members of the house of representatives, and a majority of the votes given upon such joint vote shall be necessary to a choice."

Section as amended.

Sec. 4. That the eleventh section of chapter one, title three, part first, (revised statutes, page twenty-nine,) be amended by striking out the word "treasury," in line five, and substituting

Chap. 1, title 3, part 1, sec. 11, amended

therefor the word "treasurer," included in brackets in the same line, and by inserting in line six, the word "he," between the words "statement" and "shall," and by inserting the words "cause to," in the same line, between the words "shall" and "be," so that the said section as amended shall read as follows:

Section as amended.

"Sec. 2. [11.] The treasurer shall make to the legislature, at its session in January in each year, and at such other times as he shall be required by either branch of the legislature, a true and exact statement of the balance in the treasury due the state; with a summary of the receipts and payments of the treasurer during the year preceding; which annual statement he shall cause to be attached to and published with the laws of the session at which the same shall have been made."

Chap. 3, title 3, part 1 amended by adding new section.

Sec. 5. Amend chapter three, title three, part first, (revised statutes, page forty-two,) by adding a new section at the end of section nineteen, in the words following:

Party may appeal from decision of county commissioners.

"Sec. 20. An appeal shall lie in all cases from the decision of the county commissioners to the circuit court of the county. The party intending to appeal shall signify his intention of so doing, by serving a notice in writing upon the clerk of the board of county commissioners to that effect within five days from the time of making such decision."

Sec. 48, same ch. amended.

Amend also section forty-eight of said chapter, by inserting after the word "hands," in line two, "at the expiration of the term for which such sheriffs were elected, or," so that said section as amended shall read as follows:

Section as amended.

"Sec. 48. Sheriffs and their deputies may execute all such process as may be in their hands at the expiration of the term for which such sheriffs were elected, or at the time of their removal from office; and in case of a vacancy in the office of sheriff, every deputy in office under him, having any writ or precept in his hands at the time such vacancy happened, shall have the same authority, and be under the same obligation to serve, execute and return such writ or precept, as if such sheriff had continued in office."

Chap. 1, title 4, part 1, amended by adding new section.

Sec. 6. Amend chapter one, title four, part first, (revised statutes, page sixty-seven.) by adding a new section at the end of section fifty-nine of said chapter, in the words following:

"Sec. 60. All justices of the peace elected, or hereafter to be elected under the above provisions, shall enter upon the duties of their office on the fourth day of July next succeeding their election, and may take the oath of office and file the bond above required at any time before entering upon the duties of their office." Justices of peace to enter upon duties of office on 4th July following election.

Sec. 7. There shall be added to the end of chapter four, title six, part first, (revised statutes, page one hundred and twenty-seven,) two sections, to stand as section forty-five and forty-six, as follows: Chap. 4, title 6, part 1, amended by adding two new sections.

"Sec. 45. In case of the failure of twelve freeholders to appear at the time and place to be designated as provided in section six of said chapter, to determine upon the necessity of the road proposed to be laid out, it shall be lawful for the person wishing to have such road laid out, to apply to a justice of the peace of the same town to have a jury summoned to determine upon the necessity or expediency of such road; in which application such proposed road shall be described, and it shall be the duty of the magistrate to issue a venire, directed to the constable of the town, commanding him to summon twelve freeholders of the town or the adjoining town, to appear at his office on the day designated in such application and venire, which shall be served three days previous to the day appointed for their appearance; and on the appearance of such jury, at the time and place mentioned in such venire, they shall be sworn by such justice in the manner provided in said seventh section, after which they shall proceed to perform the duties prescribed in the eighth section of said chapter. It shall be the duty of such justice to give such jury a transcript of such application and his proceedings thereon, together with a statement of his and the justice's fees, which shall be delivered by the jury to the commissioners of highways, who shall lodge the same, together with a certificate of their acts, with the township clerk; and such costs and charges shall be paid by the town, except in cases where the decision is against the applicant. When person wishing road laid out may have a jury to determine the necessity thereof, &c.

"Sec. 46. The justice, constable and commissioners shall receive the same fees as are provided for by law for similar services, and the jurors provided for in the foregoing section, and the twelve freeholders mentioned in said seventh section of said chapter, shall receive one dollar per day for their services, to be paid by the applicant or town, as provided in the foregoing section." Fees of justice, constable, &c.

Chap. 1, title 6, part 1, sec. 17, amended.

Sec. 8. Amend section seventeen, chapter one, title six, part first, (R. S. page 138,) by striking out all of said section after the word "pickle" in line three.

Chap. 3, title 7, part 1, sec. 19, amended.

Sec. 9. Amend section nineteen, chapter three, title seven, part first, (R. S. page 154,) by inserting the word, "eight," in the next to the last line thereof, between the words "forty" and "pounds," and also by inserting the word "six," in the same line between the words "forty" and "pounds," so that said section as amended shall read as follows:

Section as amended.

"Sec. 19. Whenever wheat, rye, Indian corn, or barley, or buckwheat, shall be sold by the bushel, and no special agreement as to the measure or weight thereof shall be made by the parties, the measure thereof shall be ascertained by weight, and shall be computed as follows: sixty pounds for a bushel of wheat; fifty-six pounds for a bushel of rye, or Indian corn; thirty-two pounds for a bushel of oats; forty-eight pounds for a bushel of barley, and forty-six pounds for a bushel of buckwheat."

Chap. 13, title 9, part 1, sec. 10, amended.

Sec. 10. Amend section ten, chapter thirteen, title nine, part first, (R. S. page 223,) by striking out in the second and third lines the words "purporting to be receivable in payment of debts due to such company," and inserting after the word "demand," in the fourth line, "at the banking-house where the same was issued," so that said section as amended shall read as follows:

Section as amended.

"Sec. 10. All bills, notes, or other instruments which shall be issued by any banking company, shall be deemed and taken to be promissory notes for the payment on demand at the banking-house where the same where issued, of the sum or value expressed in such instrument; and such sum shall be recovered by the holder or bearer of such instrument, in like manner as if the same were a promissory note."

Chap. 3, title 10, part 1, amended by adding new section.

Sec. 11. Add a new section at the end of chapter three, title ten, part first, (R. S. page 232,) in the words following:

Acts of incorporation hereafter passed may be altered or repealed at pleasure of legislature.

"Sec. 20. Every act of incorporation passed after this act shall take effect, shall at all times be subject to amendment, alteration or repeal, at the pleasure of the legislature: *Provided*, That no act of incorporation shall be repealed unless for some violation of its charter, or other default, when such charter shall contain an express provision limiting the duration of the same."

Chap. 1, title 1, part 2, sec. 19, struck out, and new sec. substituted.

Sec. 12. Amend chapter one, title one, part second, (R. S. page 260,) by striking out section nineteen, and inserting a new section in lieu thereof, as follows:

"Sec. 19. No deed shall be proven in the manner before provided, nor shall be recorded as provided in this chapter, unless it has at least two subscribing witnesses thereto." Two witnesses to deed.

Sec. 13. Amend chapter two, title one, part second, (R. S. page 262,) by inserting three new sections at the end of section thirty-three, as follows: Chap. 2, title 1, part 2, amended by three new sections.

"Sec. 34. No register of deeds in this state shall record any deed executed out of this state, unless there shall be attached thereto the official certificate of the proper certifying officer showing that the officer taking the acknowledgment of such deed is such officer as by his certificate of acknowledgment he purports to be, duly commissioned and qualified. When deed executed out of state to be recorded.

"Sec. 35. Any mortgage that has been registered or recorded, or that may hereafter be recorded, shall also be discharged upon the record thereof by the officer in whose custody it shall be, whenever there shall be presented to him a certificate signed by the mortgagee, his personal representatives or assigns, acknowledged or proved and certified as hereinbefore prescribed, to entitle conveyances to be recorded, specifying that such mortgage has been paid, or otherwise satisfied and discharged. Mortgages may be discharged of record on certificate of mortgagee, &c.

"Sec. 36. Every such certificate, and the proof and acknowledgment thereof, shall be recorded at full length; and a reference shall be made to the book and page containing such record in the minute of the discharge of such mortgage, made by the officer upon the record thereof." Certificate and proof thereof to be recorded.

Section thirty-four, as it now stands in said chapter, shall be amended by numbering it section thirty-seven, and by inserting after the word "preceding," in line six, "thirty-third," and after the word "deed," in the same line, insert "or certificate," so that said section as amended shall read as follows: Sec. 34 of same chap. amended.

"Sec. 37. If any mortgagee, or his executor, administrator or assignee, as the case may be, after full performance of the condition, whether before or after the breach thereof, shall, for the space of seven days after being thereto requested, and after tender of his reasonable charges, refuse or neglect to make such a discharge as is mentioned in the thirty-third section, or to execute and acknowledge a deed or certificate of release of the mortgage, he shall be liable for all damages occasioned by such neglect or refusal, to be recovered in an action on the case." Section as amended.

Chap. 1, title 3, part 2, sec. 5, amended.

Sec. 14. Amend section five, chapter one, title three, part second, (R. S. page 271,) by inserting after the word "witnesses," in line six, the words ("if made within this state,") so that the section as amended shall read as follows:

Section as amended.

"Sec. 5. No will except such nuncupative wills as are mentioned in the following section, shall be effectual to pass any estate, whether real or personal, nor to change or in any way to effect the same, unless it be in writing and signed by the testator, or by some person in his presence, and by his express direction, and attested and subscribed in the presence of the testator by three or more competent witnesses, (if made within this state,) and if the witnesses are competent at the time of attesting the execution of the will, their subsequent incompetency, from whatever cause it may arise, shall not prevent the probate and allowance of the will, if it be otherwise satisfactorily proved."

Chap. 3, title 5, part 2, sec. 13, amended.

Sec. 15. Amend section thirteen, of chapter three, title five, part second, (R. S. page 325.) by striking out the words "one year," and inserting the words "two years."

Sec. 16, same ch. amended.

Amend also section sixteen, chapter three, title five, part second, (R. S. page 325,) by striking out in the first line, the words "one year," and inserting in lieu thereof, the words "two years."

Sec. 17, same ch. amended.

Amend also section seventeen, of the same chapter, and title and part, (R. S. page 325,) by striking out the words "one year," in the third line, and inserting in lieu thereof, the words "two years."

Chap. 4, title 7, part 3, amended by adding new section.

Sec. 16. Chapter four, title seven, part third, (R. S. page 344.) shall be amended by inserting at the end thereof two [one] new sections in the words following:

Wife of person under guardianship may join with guardian in making partition of her own real estate.

"Sec. 20. The wife of any man who is under guardianship, may join with the guardian in making partition of her own real estate, held in joint tenancy or in common, and may jointly with the guardian, make any release or other conveyance necessary or proper for that purpose, in like manner as she might have done with her husband, if he had been under no legal disability."

Chap. 1, title 1, part 3, second and third subdivision of sec. 5 amended.

Sec. 17. The second subdivision of section five, chapter one, title one, part third, (revised statutes, page three hundred and fifty-eight,) shall be amended by striking out in the second line of said subdivision, the words "or provisions," and inserting in lieu thereof "on promises," and in the third subdivision of said section, strike out the word "division" and retain the word "decision," in-

serted in brackets by the commissioners, so that said second and third subdivisions of said section as amended, shall read as follows:

Subdivisions as amended.

"*Second.* Presenting more distinctly the questions to be tried by the jury, particularly in some of the actions on promises, by a more full and precise statement in the declaration, or by a bill of particulars, and by a more definite statement of the ground of defence.

"*Third.* Expediting the decision of causes."

Sec. 11 of same chap. struck out.

Amend also by striking out section eleven of said chapter.

Ch. 2, title 1, part 3, sec. 21, amended.

Sec. 18. Amend section twenty-one, chapter two, title one, part third, (revised statutes, page three hundred and sixty-four) by striking out in the first line, the word "and," and inserting in the same line, after the word "register," "and examiners," so that said section as amended, shall read as follows:

Amended section.

"Sec. 21. The register, assistant register, and examiners in chancery shall be appointed by the chancellor, and hold their offices during his pleasure."

Sec. 24, same chap. amended.

Amend also section twenty-four of said chapter, by inserting after the word "property," in the second line, ("except suits between copartners, and suits for the foreclosure of mortgages;") also by striking out in the last line, the word "complainant," and inserting "defendant" in lieu thereof, so that said section as amended, shall read as follows:

Sec. as amended

"Sec. 24. The court of chancery shall dismiss every suit concerning property, (except suits between copartners and suits for the foreclosure of mortgages,) where the matter in dispute shall not exceed one hundred dollars exclusive of costs, with costs to the defendant."

Sec. 26, same ch. amended.

Amend also section twenty-six of said chapter, by striking out in line two of said section, the word "permit," and insert in lieu thereof, the word "prevent."

Sec. 63, same ch. amended.

Amend also section sixty-three of said chapter, by striking out in line two, the words "order of such service," and retain the words "service of such order," in line three, inserted by the commissioners in brackets, so that the said section as amended shall read as follows:

Sec. as amended.

"Sec. 63. If they shall not within that time appear and answer or disclaim, the court, upon due proof of the service of such order, may cause their appearance to be entered, and in such case the

answer of the deceased party shall be deemed the answer of such representatives."

Same chap. amended by adding two new sections.

Amend the same chapter also, by adding at the end of the same three [two] new sections, in the words following:

Chancellor may appoint receivers in vacation.

"Sec. 129. The chancellor shall have power to appoint receivers in all cases pending in chancery, where such appointment is allowed by law, as well in vacation as during the sessions of the court.

Application therefor may be made at chambers.

"Sec. 130. Application for such appointment may be made to the chancellor at chambers, and shall be heard under such regulations as he may by general or special rules prescribe."

Act of Mar. 23d, '38, relative to appointment of receivers, repealed.

The act entitled "An act to authorize the appointment of receivers in chancery in vacation," approved March twenty-second, eighteen hundred and thirty-eight, be and the same is hereby repealed.

Chap. 3, title 1, part 3, sec. 9, repealed, and two new sections substituted.

Sec. 19. Section nine of part third of title one of chapter three of the (revised statutes, page 382,) is hereby repealed, and the following sections shall be substituted in its place:

When circuit court to be adjourned over for non-attendance of judges.

"Sec. 9. If none of the circuit judges, or a judge of the supreme court shall attend at any term of the circuit court by the hour of four of the clock on the second day of the term, and one of the associate judges shall also fail to attend by that time, the clerk of the court shall note the facts on the journal of the proceedings of the court, and all causes and matters pending in such court shall stand continued to the next term; but if one of the associate judges shall attend before the time last specified, he may, if he deem it proper, open the court and adjourn the same from day to day, not exceeding three days.

When circuit judge of one circuit may hold court in another.

"[Sec. 10.] In case any circuit judge, by reason of sickness or any other cause, shall be unable to attend any term or sitting of the circuit court, either of the other circuit judges may attend and preside at such term or sitting, and may exercise and perform all the duties and powers of the proper circuit judge; and the court so constituted shall possess and exercise all the powers and duties of the circuit court, to the same extent and in the same manner as if the proper circuit judges were present."

Foreclosure of mortgages in chancery.

Sec. 20. That upon the foreclosure of mortgages in chancery, it shall not be lawful for the chancellor to order or decree any lands to be sold at a period less than two years and three months from and after the filing the bill of foreclosure, excepting in cases

f mortgages given to secure the purchase money of the premises ientioned in the mortgage, in which case no sale shall take lace at a period less than one year and three months from the ling of the bill of foreclosure.

Sec. 21. The fourth section of part three, title one, chapter six, evised statutes, page 410,) shall be amended by adding thereto e following proviso, viz: "*Provided*, That it shall not be necessary for the clerk to make judgment records of the proceedings civil causes settled by the parties before final judgment." Chap. 6, title 1, part 3, sec. 4, amended.

Sec. 22. Amend section twenty-four, chapter six, title one, part ird, (revised statutes, page 413,) by striking out the proviso to e same, so that said section as amended, shall read as follows: Sec. 24, same chap. amended.

"Sec. 24. There shall be appointed by the governor, by and ith the advice and consent of the senate, one or more masters in ancery in each of the organized counties of this state, who shall old their offices for the term of three years, unless sooner moved by the governor." Sec. as amended.

Sec. 23. Amend section thirteen, chapter six, title one, part ird, (revised statutes, page 411,) by inserting in the second line said section, after the word "states," the words following: "or any citizen or inhabitant of the state of Michigan;" and also by serting in the third line of the second division of said section, ter the words "United States," the words "or elsewhere;" and so by striking out the word "six," in the fourth line of the said cond division of said section, and insert the word "three" in lieu ereof. Sec. 12, same chap. amended.

Sec. 24. Amend section one of chapter one, title two, part third, evised statutes, page 417) by striking out in line two, the words this state," and insert in lieu thereof, the words "state of Michian," so that said section as amended, shall read as follows: Chap. 1, title 2, part 3, sec. 1, amended.

"Sec. 1. All process from courts of record in this state, shall un in the name of the people of the state of Michigan, bear test in e name of the chief justice, or presiding judge or justice, or of ne of the associate justices or judges of the court from which the ame shall issue, be sealed with the seal of the court, and signed y the clerk, and dated on the day on which the same shall ssue." Sec. as amended.

Amend section nine of the same chapter, by inserting in the rst line, after the word "court," the word "or," and after the ord "court," in the second line, the letter "s," so that said sec- on as amended, shall read as follows: Sec. 9, same chap. amended.

Sec. as amended.

"Sec. 9. Original writs of summons, issuing from the supreme court or circuit courts, shall be served six days at least before the return day thereof, and original writs of capias ad respondendum, may be served on the return day thereof."

Chap. 3, title 2, part 3, sec. 20, amended.

Sec. 25. Amend section twenty, chapter three, title two, part third, (revised statutes, page four hundred and thirty) by retaining the words "interest of the," inserted in brackets in the second line by the commissioners.

Chap. 4, title 2, part 3, amended by adding four new sect's.

Sec. 26. Amend chapter four, title two, part third, (revised statutes, page four hundred and thirty-two) by inserting after section eleven, in said chapter, four new sections, as follows:

Courts to have power to administer oaths.

"Sec. 12. The several courts created and established, or hereafter to be created or established within this state, in addition to the powers which are or may be conferred on them respectively, shall have power to administer oaths to witnesses in any matter or cause pending in such court, and in all other cases where it may be necessary in the exercise of the powers and duties of such courts.

When oaths or affidavits may be taken before judge or clerk of court of record, or justice of peace.

"Sec. 13. Whenever any oath or affidavit is or may be required or authorized by law, in any cause, matter or proceeding, except oaths to jurors and witnesses in the trial of a cause, oaths of office, and such other oaths as are required by law to be taken before particular officers, the same may be taken before any justice, judge or clerk of any court of record or justice of the peace; and when certified by any such officer to have been taken before him, may be read and used in any court of law or equity or justice's court within this state, and before any officer, judicial, executive or administrative, before whom any such cause, matter or proceeding may be pending; and affidavits to be read in the supreme court, or any of the circuit courts of the state, may also be taken by said commissioner appointed for that purpose by the justices or judges of the respective courts.

Affidavits may be taken by commissioners appointed by court.

In matters pending in chancery before chancellor, register, &c.

"Sec. 14. Such oaths, affidavits and depositions in any cause, matter or proceeding in the court of chancery, may also be taken before the chancellor, any master, register or assistant register of that court, or before any commissioner appointed by that court for that purpose.

When com'rs of internal imp't, or other public officers, may administer oaths.

"Sec. 15. Whenever applications shall be made to the board of commissioners of internal improvement, or any of them, or to any other public officer to do any act in an official capacity, and such board or officer shall require information or proof to enable

them or him to decide on the propriety of doing such act, such information or proof may be required to be given by affidavit, and any member of such board or such officer, may administer all necessary oaths for that purpose."

Sec. 27. Amend section twenty-eight, chapter six, title two, part third, (revised statutes, page four hundred and forty-nine) by adding at the end thereof "and all necessary oaths to be administered to witnesses so attending before such auditors, may be administered by either of said auditors," so that said section as amended, shall read as follows: Chap. 6, title 2, part 3, sec. 28, amended.

"Sec. 28. Witnesses may be summoned, and compelled to attend and testify before the auditors, in the same manner as before arbitrators or referees; and all necessary oaths to be administered [to witnesses so attending before such auditors, may be administered] by either of said auditors." Sec. as amended.

Sec. 28. Amend section forty, chapter four, title two, part third, (R. S. p. 436) by striking out in the first line thereof, the word "application," and retaining the word "applicant," inserted by the commissioners in lieu thereof, so that the section as amended, shall read as follows: Chap. 4, title 2, part 3, sec. 40, amended.

"Sec. 40. If upon such hearing of the parties, or of the applicant alone, should no adverse party appear, and the court shall be satisfied that there is sufficient cause for taking the deposition, they shall issue a commission therefor, in like manner as for taking a deposition to be used in any cause pending in the same court." Sec. as amended.

Sec. 29. Amend chapter eight, title two, part third, (revised statutes, page four hundred and sixty-two) by adding two new sections at the end thereof, in the words following: Chap. 8, title 2, part 3, amended by two new sections.

"Sec. 27. The defendant in any action may plead as many several matters as he shall think necessary for his defence, subject to the power of the court to compel him to elect by which plea he will abide in cases where he may plead inconsistent pleas. Defendant may plead several pleas

"Sec. 28. Whenever a defendant shall plead the general issue in any action in which such issue may be pleaded, or whenever he shall plead nil debit to an action of debt on judgment, or whenever in an action of covenant he shall by his plea deny the execution of the instrument on which the plaintiff may have declared, he may give notice with such plea of any matters which, if pleaded, would be a bar to such action, and may give such matter Defendant may give notice with general issue, &c.

in evidence on the trial in the same manner as if the same had been pleaded."

Chap. 2, title 3, part 3, sec. 35, amended.

Sec. 30. Amend section thirty-five, chapter two, title three, part third, (revised statutes, page 426) [476] by retaining the words of the "same," inserted in brackets by the commissioners, in line three of said section.

Sec. 39, same chap. amended.

Amend also section thirty-nine of said chapter by striking out in line two, the word "payment," and retain in lieu thereof, the word "judgment," inserted by the commissioners in brackets, so that the two first lines of said section as amended, shall read as follows:

"Sec. 39. But if the defendant in such action, at the time of the rendering of the judgment by default, be either."

Sec. 44, same chap. amended.

Amend section forty-four of said chapter by striking out in line three, the word "redeeming," and retain in lieu thereof, the word "rendering," inserted in brackets by the commissioners, so that the three first lines of said section as amended, shall read as follows:

"Sec. 44. Instead of the action of trespass for the mesne profits heretofore used, the plaintiff seeking to recover such damages, shall within one year from the time of rendering the judgment."

Chap. 4, title 3, part 3, sec. 13, amended.

Sec. 31. Amend section thirteen, chapter four, title three, part third, (R. S. p. 483) by striking out in line five of said section, the word "petition," and retaining in lieu thereof, the word "partition," inserted in brackets by the commissioners.

Sec. 15 of same chap. amended.

Amend also section fifteen of said chapter, by striking out in the last line thereof, the word "petition," and retaining the word "partition," in lieu thereof, inserted in brackets by the commissioners.

Sec. 32 of same chap. amended.

Amend also section thirty-two of said chapter, by retaining the word "appointed," in the next line to the last of said section, inserted in brackets by the commissioners.

Chap. 5, title 3, part 3, sec. 3, amended.

Amend section three, chapter five, title three, part third, (R. S. p. 491) by inserting in line eight of said section, after the word "mentioned," the words following: "and when the party complained of shall be brought before them, the said justices may adjourn the hearing for cause shown, from time to time, not exceeding in all ten days."

sec. 32. Section three of chapter eight, part third, title three, S. p. 500) is hereby repealed, and the following section shall serted in its place, to stand as section three: Chap. 8, title 3, part 3, sec. 3, repealed, and new sec. substituted.

[Sec. 3.] Notice that said mortgage will be foreclosed by a of the mortgaged premises or some part of them shall be n as follows: Notice of foreclosure of mortgaged premises, how given.

First. By publishing the same for twelve successive weeks newspaper printed in the county in which the premises to be are situated; or if such premises are situated in two or more ties, in newspaper printed in said counties. In case there be wspaper printed in the county where such premises or any of them are situate, such notice shall be printed in a newspa- printed [in] a county nearest to the premises in which a paper is printed, and also by posting up the same printed or riting in two public places in the township or townships e the premises are situate."

c. 33. There shall be added to the fifth section of said ter, the following: "and in cases where a mortgage is given ble in instalments, and the land mortgaged consists of a sin- ighty acre lot or a farm, and it becomes necessary to sell for nstalment other than the last, parts and portions of such lot rm may be sold in a form as nearly square as practicable, ituate in or so near as may be in the north-east corner of the of which it is part. Sec. 5 of same chap. amended.

c. 34. The second divison of section eight, chapter eight, hree, part three, (R. S. p. 501) is hereby repealed, and the ving shall be inserted in lieu thereof: Chap. 8, title 3, part 3, sec. 8, amended.

lecond. An affidavit stating the posting up of a copy of the tisement in two public places in the town where such lands ituate, in cases where such posting up is required by law; h affidavit may be made by the person who posted up such es, or by any other person who may be acquainted with the

c. 35. Said chapter eight of title three, part three, (R. S. p. shall also be amended by adding the following sections, to as sections twenty and twenty-one: Same chap. amended by adding two new sections.

Section 20. All mortgage sales under the provisions of this ter may be postponed from time to time, by inserting a notice ch postponement as soon as practicable, in the newspaper in h the original advertisement was published, and continuing Notice of postponement of mortgage sale, how to be given.

such publication until the time to which such sale shall be postponed, and in cases where written or printed notices are posted up, by posting up under the original printed or written notices, notice of such postponement.

In mortgages hereafter given each instalment after the first to be deemed separate mortgage.

"Section 35 [21]. In cases where mortgages are hereafter given to secure the payment of money by instalments, each of the instalments mentioned in such mortgage after the first, shall be taken and deemed to be a separate and independent mortgage, and such mortgage for each of such instalments may be foreclosed in the same manner, and [with] the like effect as if such separate mortgages were given for each of such subsequent instalments, and a redemption of any such sale by the mortgagor shall have the like effect as if the sale for such instalments had been made upon an independent prior mortgage."

Chap. 1, title 4, part 3, sec. 1, amended.

Sec. 36. Amend the first subdivision of section one, chapter one, title four, part third, (R. S. p. 507) by inserting in the first line of said subdivision, after the word "absconded," the words following: "or is about to abscond beyond the jurisdiction of said court;" and also by adding at the end of said subdivision, after the word "or," as follows: "That the defendant is about to remove any of his property out of the jurisdiction of the court, with intent to defraud his creditors, or that he is about to assign or dispose of any of his property with the like intent, or," so that said subdivision, as amended, shall read as follows:

"That the defendant has absconded, or is about to abscond, beyond the jurisdiction of the court; or that the defendant is about to remove any of his property out of the jurisdiction of the court, with intent to defraud his creditors; or that he is about to assign or dispose of any of his property with the like intent; or,"

Amended [amend] also by adding at the end of said section as follows:

"But no writ shall be granted [quashed] on account of any defect in the affidavit on which the same issued. Provided that the plaintiff, his agent or attorney shall, whenever objection may be made, file such affidavit as is required by law."

Sec. 7, same chap., amended.

Amend also the seventh section of said chapter by inserting after the word "the," in line two, the words "defendant or," so that the two first lines of said section, as amended, shall read as follows:

"Section 7. The property attached shall remain in the hands of such officer unless the defendant or guarantee [garnishee] in whose possession it may have been."

Sec. 37. Amend also section twelve of [said] chapter by striking out all after the word "defendant," [default] in the twelfth line in said section, and insert the following in lieu thereof: Sec. 12, same chap., amended.

"If the defendant shall enter into bonds with two sufficient sureties in double the amount claimed to be due by the plaintiff or other creditor whose declarations are filed, to pay all costs and damages that may be awarded against the said defendant, shall be entitled to a return of the said property attached; and if any officer shall deliver any property taken by a writ of attachment to the defendant without taking such security, or shall take insufficient security, he shall be liable in damages to the plaintiff in whose favor the writ of attachment issued to the amount of property seized. And in case the said bond shall be prosecuted, the plaintiff shall prove the amount of his demand, and the sheriff shall pay over to him the amount so proved of the moneys that he shall collect upon the said judgment, with the costs and expenses, and that the balance of the moneys collected shall be paid into the court, to be distributed amongst the creditors who have filed their declarations."

Sec. 38. Amend also section seventeen of said chapter, by striking out in line three thereof, after the word "equitable," the word "trial," and insert in lieu thereof the word "title." Sec. 17, same chap., amended.

Sec. 39. Amend section second, chapter four, title three, part three, (R. S. p. 482) by striking out all after the word "held," in the second line, to the word "for," in the third line inclusive, and insert in lieu thereof the words "in and for any county in this state," so that the section as amended shall read as follows: Chap. 4, title 3, part 3, sec. 2, amended.

"[Sec. 2.] Any one or more of the persons so holding land may apply by petition to the circuit court held in and for any county in this state for a partition of the same, and the said circuit court is empowered to cause partition to be made accordingly, and the share or shares of the petitioners to be set off and assigned to them, and the residue of the premises shall remain for the person or persons entitled thereto and subject to the further partition among them if there is more than one person so entitled." Sec. as amended.

Sec. 40. Section eight of the last mentioned character [chapter] is hereby repealed, and the following shall be adopted in lieu thereof: Sec. 8, same chap., repealed and new sec. substituted.

New sec.

[Sec. 8.] The petition in the case last mentioned may be presented to the court when sitting in any county within this state where any portion of the land to be divided lies, without being previously filed in the clerk's office, and the summons or notice shall be made returnable to that court.

Sec. 16, same chap., amended.

Sec. 41. There shall be added to the end of the sixteenth section, to compose part of said section, the following words: "And if the land to be divided lies in different counties, the court may, if it shall think fit, issue a separate warrant and appoint additional commissioners for each county in which such land may lie, and the partition in such case shall be made of the lands in each county in like manner as if there was no other estate to be divided."

Sec. 19, same chap., amended.

Sec. 42. The nineteenth section of said chapter shall be amended by inserting after the word "state," in the third line thereof, the words "or their attorneys," so that the section will read as follows:

Sec. as amended.

"[Sec. 19.] The commissioners shall give sufficient notice of the time and place appointed for making the partition to all persons interested therein who are known and within the state, or to their attorneys, that they may be present at the making thereof."

Chap. 3, title 4, part 3, sec. 8, amended.

Sec. 43. Amend section eight, chapter third, title fourth, part third, (R. S. p. 516) by striking out in line three the word "court," and retaining in lieu thereof, the word "county," inserted in brackets by the commissioners, so that said section as amended should read as follows:

Sec. as amended.

"[Sec. 8.] The writ may in all cases be issued in any circuit court in session, or by any judge thereof in vacation, to be served within the proper county, and when the writ shall be issued by a circuit judge, it may run into and be served in any county within his circuit."

Chap. 5, title 4, part 3, sec. 2, amended.

Sec. 44. Amend section two, chapter five, title four, part third, (R. S. p. 524) by adding to the end thereof the words following: "And the general issue shall be joined on the plea of not guilty."

Same chap. amended by adding new section.

Amend the said chapter, also, by adding a new section at the end thereof, to stand as section eleven, in the words following:

Attaching creditor's rights when goods attached have been replevied.

"[Sec. 11.] If the goods or chattels, which are replevied, had been attached, they shall, in case of judgment for a return, be held liable to the attachment until final judgment in the suit in which they were attached, and for thirty days thereafter, in order

being taken in execution; and if such final judgment shall
ered before the return of the goods, or if the goods, when
d, were seized and held on execution, they shall be held
o the same attachment or seizure for thirty days after the
n order that the execution may be served thereon, or the
thereof completed in like manner as it might have been if
ls had not been replevied."

15. Amend section eleven, chapter seven, title four, part Chap. 7, title 4, part 3, sec. 11, amended.
t. S. page 533,) by adding at the end thereof as follows:
ich of the arbitrators is hereby authorized and empowered
nister all such oaths and take all such affidavits as shall
ssary in the exercise of their powers and duties;" so that
tion as amended shall read as follows:

c. 11.] All the arbitrators shall meet and hear the parties, Section as amended.
award by a majority of them shall be valid, unless the
ence of the whole be expressly required in the submission,
h of the arbitrators is hereby authorized and empowered
nister all such oaths and take all such affidavits as shall
ssary in the exercise of their powers and duties."

16. Amend section thirteen, chapter eight, title four, part Chap. 8, title 4, part 3, sec. 13, amended.
t. S. page 537,) by striking out in the next to the last
reof the word "prescribed," inserted in brackets by the
sioners.

17. Amend chapter nine, title four, part third, (revised Chap. 9, title 4, part 3, amended by adding two new sections.
, page five hundred and forty-two,) by adding at the end
a [two] new section, to stand as section thirty-six, [and
even,] in the following words:

c. 36.] Every building hereafter constructed or erected When builders to have lien on building for work done and materials furnished.
this state, shall be subject to the payment of the debts
ted for, or by reason of any work done or materials fur-
by any person employed in doing such work or furnishing
aterials for, or in the erection and construction of such
; in all cases where such building or any part thereof shall
en constructed under contract entered into by the owner
with any person to do work or furnish materials in or for
struction of the same: *Provided*, such lien shall not attach
he contract is made in writing and signed by the owner
building, or by some person duly authorized by him and
d, as provided in the second section of this chapter."

c. 37.] The lien created on any building by the preceding Proceedings thereon.
shall be prosecuted and determined in the same manner

as [near as] may be, as in cases where the contract is made with the owner of the land, as prescribed in the first section of this chapter; and the words "land" and "estate," as used in this chapter, may extend and be applied to buildings for the purpose of carrying into effect the provisions of the preceding section."

Chap. 2, title 5, part 3, sec. 1, amended.

Sec. 48. Amend section one, chapter two, title five, part third, (revised statutes, page five hundred and fifty-one,) by adding at the end thereof, as follows: "for each oath administered by him, six cents."

Sec. 4, same ch. amended.

Amend also section four of said chapter, (revised statutes, page five hundred and fifty-two,) by inserting after the word "cents" in line two, as follows: "and for administering every oath to a witness or party, six cents." Amend the same section also, (page five hundred and fifty-three,) by striking out in line thirty, the word "purchased," and retaining in lieu thereof the word "prepared," inserted in brackets by the commissioners.

Sec. 7, same ch. amended.

Amend also section seven of said chapter, (revised statutes, page five hundred and fifty-six,) by adding at the end thereof, as follows: "for administering every oath, six cents."

Sec. 9, same ch. amended.

Amend also section nine of said chapter, (revised statutes, page five hundred and fifty-nine,) by adding at the end thereof, as follows: "for administering every oath, six cents."

Sec. 10, same ch. amended.

Amend also section ten of said chapter, (revised statutes, page five hundred sixty-one,) by adding at the end thereof, as follows: "for administering every oath, six cents."

Sec. 12, same ch. amended.

Amend also section twelve of said chapter, (revised statutes, page five hundred sixty four,) by adding at the end thereof, as follows: "for administering every oath, six cents."

Sec. 14, same ch. amended.

Amend also section fourteen of said chapter, (revised statutes, page five hundred sixty-six,) by striking out of all after the word "vessel," in line seventeen, to the word "for" in line twenty, and by substituting in lieu thereof the words following: "three dollars."

Sec. 18, same ch. amended.

Amend also section eighteen of said chapter, (revised statutes, page five hundred sixty-nine,) by striking out in line six the word "managing," and inserting in lieu thereof the word "marrying."

Chap. 2, title 5, part 3, amended.

Amend part three, title five, chapter two, page five hundred sixty-nine, by adding at the end of the justice's fee bill, the following: "the justice shall not tax the fees of more than two witnesses, to any one material fact, against the losing party."

Sec. 23, same ch. amended.

Amend also section twenty-three of said chapter, (revised statutes, page five hundred seventy,) by adding at the end thereof,

he words following: "and for serving in a justice's court, twenty-ive cents for each cause he shall try."

Amend also section twenty-four of said chapter, (revised sta- Sec. 24, same ch. amended.
utes, page five hundred and seventy,) by striking out in line seven, he words "seventy-five cents," and inserting in lieu thereof," the vords "ten dollars."

Sec. 49. Amend section eight, chapter one, title six, part third, Chap. 1, title 6, part 3, sec. 8, amended.
revised statutes, page five hundred and seventy-five,) by retaining n line two of said section, the words "the same," inserted in rackets by the commissioners.

Amend also section eleven of said chapter, by striking out in Sec. 11, same ch. amended.
he first line thereof, the word "amendment," and inserting in lieu hereof, the word "commencement."

Sec. 50. There shall be added at the end of chapter six, title Chap. 6, title 1, part 4, amended by adding new section.
ne, (R. S. page 643, part four, a section to stand as the twenty-ourth section, as follows:

"Sec. 24. That every public officer of this state shall re- Officers entrusted with public money, making improper use thereof, guilty of a misdemeanor.
eive or be entrusted with the money or funds of the state, to be ept or disbursed for or on account of the state, and who shall xpend or pay out such money or funds in any other manner or r any other purpose than is or may be provided by law, or who hall dispose of the money or funds of the state entrusted to him y exchange or loan, or for other money of less value, or for ny other property for his private gain, shall be deemed guilty of misdemeanor, and for each offence be punished, on conviction ereof, by fine not exceeding five hundred dollars, or by imprisonment not exceeding one year, or both, at the discretion of the ourt."

Sec. 51. Amend section thirteen, chapter four, title two, part Chap. 4, title 2, part 4, sec. 13, amended.
our, (R. S. page 669,) by striking out in line six, the words "or he words against the peace."

Sec. 52. Amend chapter eight, title two, part fourth, (R. S. page Chap. 8, title 2, part 4, amended by adding new section.
380,) by inserting a new section at the end thereof, in the words ollowing:

"Sec. 15. When any punishment is prescribed by the revised Punishment by fine or imprisonment.
statutes, to be by 'fine or imprisonment,' the court shall have power in their discretion, to impose both such fine and imprisonment."

Sec. 53. That the act entitled an act to abolish imprisonment Act abolishing imprisonment for debt not to extend to cases in attachment.
for debt, and to punish fraudulent debtors, shall not be construed to extend to cases in attachment, so as to release the property

attached; and no property which has been or shall be attached for the payment of any debt or demand, shall be released by the officer attaching the same, unless the defendant in said process by attachment shall give to the said officer a bond with sufficient surety in favor of the plaintiff in such attachment, or others claiming under such attachment, in double the amount of the debt or debts, demand or demands sworn to be due under the proceeding by such attachment, conditioned to abide the final judgment of the court or magistrate in such proceeding; and such bond so given, shall be immediately returned by such officer taking the same to the court or magistrate, before whom said process by attachment is pending.

Law requiring att'y gen. to reside at seat of gov. abolished.

Sec. 54. That all acts and parts of acts which require that the attorney general shall reside at the seat of government, be and the same are hereby repealed.

Approved April 20, 1839.

[No. 116.]

AN ACT to provide for the further construction of certain works of internal improvement.

Appropriations.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That the following sums be and they are hereby specifically appropriated, to be taken from any moneys which shall hereafter come into the treasury of this state to the credit of the fund of internal improvement, for the improvement of the works herein mentioned, to wit:

Southern road.

For the southern railroad, the sum of one hundred thousand dollars.

Central road.

For the central railroad, the sum of one hundred thousand dollars.

Clinton and Kalamazoo canal.

For the Clinton and Kalamazoo canal, the sum of sixty thousand dollars.

Northern road.

For the northern railroad, the sum of forty thousand dollars.

St. Joseph's river; canal at rapids of Grand river.

For the improvement of the St. Joseph's river, twenty-five thousand dollars, to be expended as the commissioners of internal improvement may direct; also, twenty-five thousand dollars in constructing a canal around the rapids at Grand river.

Approved April 20, 1839.

[No. 117.]

AN ACT making appropriations for the year eighteen hundred and thirty-nine, to defray the expenses of the government, and for other purposes.

Section 1. *Be it enacted by the Senate and House of Representatives of the State of Michigan*, That there shall be paid to Guy Carpenter the sum of forty-one dollars, to defray the expenses of sickness while engaged in supporting the supremacy of the laws in the year eighteen hundred and thirty-five; to Degraff and Townsend, the sum of eight dollars, for one pair of shovel and tongs, and one lock for the library room; to Williams and Cole, the sum of three dollars and thirteen cents, for setting glass in the windows of the capitol; to Orren Marsh, the sum of two hundred and ninety-six dollars and eighty-two cents, for services as librarian; to William Hill, the sum of twenty-one dollars and thirty-eight cents, for repairs on the governor's room; to Harvey L. Russell, the sum of eighty-five dollars, for services rendered in support of the supremacy of the laws in eighteen hundred and thirty-five; to John T. Blois, the sum of one hundred and eight dollars, for seventy-two copies of the Gazetteer of Michigan; to Robert T. Elliott, the sum of thirty-nine dollars and eighty-five cents, for repairs on the capitol; to Silas Titus, the sum of twelve dollars, for serving joint resolution on the Huron bridge company; to J. L. H. Hayes, the sum of seventy-two dollars and thirty-seven cents, for services as special messenger to procure the returns of election from the counties of Eaton, Ingham and Kent, for the year eighteen hundred and thirty-eight, subject to the deduction of the amount allowed to the said Hayes by the fiscal agent; to Aaron W. Pitts, the sum of six dollars, for ice furnished the legislature at the extra session in eighteen hundred and thirty-seven; to Lemuel Goodell, the sum of forty-eight dollars, for services as brigade inspector for the years eighteen hundred and thirty-seven and eighteen hundred and thirty-eight; to A. T. Crossman, the sum of sixteen dollars, for inspecting four battalions of militia in the year eighteen hundred and thirty-eight; to George R. Griswold, John S. Bagg, and George L. Whitney, each seventeen dollars, for printing the report of bank commissioners; to Edward Clark, the sum of sixteen dollars, for services as brigade inspector; to James Bucklin, the sum of thirty-five dollars, for

G. Carpenter.
Degraff & Townsend.
Williams & Cole.
O. Marsh.
W. Hill.
H. L. Russell.
J. T. Blois.
R. T. Elliott.
S. Titus.
J. L. H. Hayes.
A. W. Pitts.
L. Goodell.
A. T. Crossman.
G. R. Griswold, J. S. Bagg, G. L. Whitney.
E. Clark.
J. Bucklin.

his expenses in calling out the militia to support the laws of
S. R. Ball. neutrality in the year eighteen hundred and thirty-eight; to Silas R. Ball, the sum of two hundred and forty three dollars and twenty-eight cents, for goods lost on the central railroad, while on board the cars, and in possession of the captain of the cars, to be paid out of any moneys received on the central railroad; to
R. Abbott. Robert Abbott, the sum of three hundred and thirty-four dollars, being the amount necessary to increase his salary to one thousand dollars, from and after the first day of January, eighteen hundred
H. Howard. and thirty-eight; to Henry Howard, the sum of two hundred dollars, to increase his salary for the year eighteen hundred and
S. T. Mason. thirty-eight; to Stevens T. Mason, the sum of two hundred and thirty-two dollars and two cents, for moneys overpaid by him, in making disbursements of moneys appropriated to defray the expense of supporting the supremacy of the laws in eighteen hundred
G. Coombs. and thirty-five; to George Coombs, the sum of two hundred and seventy-five dollars, for his services at the capitol from the sixth of April, eighteen hundred and thirty-eight, to the sixth of January, eighteen hundred and thirty-nine, at the rate of one dollar per
W. Lundy. day; to William Lundy, the sum of one hundred dollars, being a donation for injuries received while laboring on the central
N. P. Drake. railroad; to N. P. Drake, the sum of sixteen dollars, for services as teamster, in supporting the supremacy of the laws in eighteen
C. Tryon. hundred and thirty-five; to Charles Tryon, the sum of six dollars, for services as enrolling clerk in the year eighteen hundred and thirty-eight.

C. Mitchell. To C. Mitchell, the sum of twenty-seven dollars, for services rendered in hospital in the city of Detroit, in the years eighteen hundred and thirty-two and eighteen hundred and thirty-four; to
G. Winchell. G. Winchell, the sum of eight dollars, for one mahogany paper
T. Christian. case for clerk's desk; to Thomas Christian, the sum of eighteen dollars, for services as enrolling clerk in the year eighteen hundred
J. Grifford. and thirty-eight; to John Grifford, for deficit occasioned by mistake in enrolling appropriation bill of last year, twenty dollars;
J. P. King. to J. P. King, the sum of six dollars, being the price of two daily papers, due him by a resolution of the house of representatives,
H. B. Webster & Co. which he has not received; to H. B. Webster and Co., the sum of twenty-eight dollars and eighty-seven cents, for tin trunks and
P. Morey. other articles furnished the treasurer's office; to Peter Morey, the sum of two hundred and twenty-six dollars and eighty-two

cents, for moneys advanced in defraying travelling expenses in prosecuting criminal cases in behalf of the state, and the further sum of fifty-one dollars and thirty-eight cents, for moneys advanced to procure the service of process against fraudulent banks; to J. A. and B. Brown, the sum of ten dollars, for printing militia orders; and to T. M. Perry, the sum of twenty-five dollars, for printing general orders of the adjutant general; to E. J. Van Buren, the sum of twenty-five dollars, for printing general orders of the adjutant general; to George L. Whitney, the sum of fifty dollars, for printing general orders of the adjutant general in daily paper; E. Kendall, the sum of twenty-five dollars, for printing general orders of the adjutant general; to J. Greves, the sum of twenty-five dollars, for printing general orders of the adjutant general; to G. R. Griswold, the sum of fifty dollars, for printing general orders of the adjutant general; to Henry Gilbert, the sum of twenty-five dollars, for printing general orders of the adjutant general; to Britt and Brown, the sum of twenty-five dollars, for printing general orders of the adjutant general; to N. Sullivan, the sum of twenty-five dollars, for printing general orders; to the editors of the Utica Enterprise, the sum of twenty-five dollars, for printing general orders; to E. P. Gardner, the sum of twenty-five dollars, for printing general orders; to the editors of the State Journal, the sum of twenty-five dollars, for printing general orders; for printing the orders of the adjutant general in Saginaw Journal, twenty-five dollars; to the editors of the Constitutionalist, the sum of ten dollars and fifty cents, for printing militia orders; to D. S. Curtis, the sum of twenty-five dollars, for printing general orders; to Eldredge and Denton, for printing general orders of the adjutant general, twenty-five dollars; to Mason Brayman, the sum of twenty-five dollars, for printing general orders; to C. J. Walker, for printing general orders, and for printing notice of a meeting of the board of commissioners of internal improvement, the sum of twenty-seven dollars and fifty cents; to H. C. Bunce, the sum of twenty-five dollars, for printing general orders; to S. Fletcher, the sum of twenty-five dollars, for printing the general orders of the adjutant general.

J. A. & B. Brown. T. M. Perry. E. J. Van Buren. G. L. Whitney. E. Kendall. J. Greves. G. R. Griswold. H. Gilbert. Britt & Brown. N. Sullivan. Utica Enterprise. E.P.Gardner. State Journal. Saginaw Journal. Constitutionalist. D. S. Curtis. Eldredge & Denton. M. Brayman. C. J.Walker. H.C. Bunce. S. Fletcher.

To A. G. Hammond, the sum of twenty dollars, for his expenses and the expenses of other members of a committee to investigate the banks of Ypsilanti and Washtenaw; to G. W. Barney, the sum of twenty-five dollars, for printing general

A. G. Hammond. G. W. Barney.

J. W. Wallace. orders; to J. W. Wallace, the sum of twenty-five dollars, for
G. Renwick. printing general orders; to George Renwick, the sum of twelve dollars and twenty-five cents, for travelling expenses in investigating the banks of Washtenaw and Clinton; to John J.
J. J. Adam. Adam, the sum of eleven dollars and fifty cents, for travelling expenses in the investigation of the banks of Washtenaw and
I. Owen. Clinton; to Isaac Owen, the sum of five dollars and fifty cents, for fees as a witness in the investigation of the banks of Wash-
E. Smith. tenaw and Clinton; to E. Smith, the sum of four dollars and twenty-five cents, for fees as a witness in the investigation of the
C. K. McClure. bank of Clinton; to C. K. McClure, the sum of five dollars and fifty cents, for his fee as a witness in the investigation of the
H. H. Warner. affairs of the bank of Clinton; to H. H. Warner, the sum of five dollars and fifty cents, for his fee as witness in the investigation
A. Kies. of the bank of Clinton; to A. Kies, the sum of four dollars and seventy-five cents, as a witness attending the investigation of the affairs of the bank of Clinton.

Witnesses attending investigating committees. Also the sum of not exceeding eight hundred dollars, for the payment of the several witnesses summoned by and attending on the several investigating committees of this legislature, during the present session, which shall be estimated upon the certificates of the several chairmen thereof, at one dollar per day each for the time they were actually attending on said committees, and the time expended in coming from and going to their respective homes, not otherwise provided for in this act.

Clerks and officers employed by committees. Also, the sum of not exceeding three hundred dollars, for the payment of the clerks and officers employed by the said committees, and not otherwise provided for in this act, provided their pay shall not exceed two dollars per day each, by the certificates of
P. Morey. the chairmen aforesaid; to Peter Morey, the sum of two hundred and fifty dollars, for extra services in prosecuting insolvent and
Michigan state bank. fraudulent banking companies; to the Michigan State bank, for moneys advanced by order of the speaker of the house of representatives to George Combs, keeper of the capitol, one hundred dollars; to John Grifford, fire maker, the sum of forty dollars; to T. Lappin, messenger, the sum of fifteen dollars; to F. Baunce, woodsawyer, the sum of thirty-five dollars; which several amounts are to be deducted from the amount of wages due the respective individuals, being in all, one hundred and ninety dollars, which sum shall be credited to said bank by the commissioners

uthorized to settle with said bank; to John Biddle, the sum of J. Biddle.
ix dollars, for services as a member of a brigade court martial;
o Harry Saunders, the sum of six dollars, for services as a mem- H. Saunders.
er of a brigade court martial; to Garry Spencer, the sum of six G. Spencer.
ollars, for services as a member of brigade court martial; to
)rren Marsh, the sum of six dollars, for services as a member of O. Marsh.
rigade court martial; to Levi W. Beebe, the sum of six dollars, L.W. Beebe.
or services as member of brigade court martial; to John Flat- J. Flatters.
ers, the sum of six dollars, for services as a member of brigade
ourt martial: to Morris S. Brown, the sum of six dollars, for M. S Brown.
ervices as a member of brigade court martial; to Donald L. D. L. McDo-
McDonald, the sum of six dollars, for services as a member of a nald.
rigade court martial; to J. A. Vandyke, the sum of twelve dol- J. A. Van-
ars, as judge advocate attending said board of court martial; to dyke.
ohn F. Kirk, the sum of six dollars, for two days' attendance J. F. Kirk.
s a marshal to said board; to James A. Armstrong, the sum of J. A. Arm-
ne dollar and fifty cents, for two days' attendance as witness be- strong.
ore said board of court martial; to William P. Patrick, the sum W. P.
f one dollar and fifty cents, for two days' attendance as witness Patrick.
efore said board of court martial; to Artemas Allen, and to A. Allen; F.
Frederick Shurts, twenty-two dollars and thirty-eight cents each, Shurts.
or expenses while upon the committee of investigation of the
tate penitentiary, absent in the discharge of duty; to Adams A. Peabody.
Peabody, the sum of twenty-five dollars, for publishing general
rders of adjutant general; to J. M. Cumings, the sum of twenty- J. M. Cum-
ive dollars, for inspecting five battalions of Michigan militia. ings.

To J. S. and S. A. Bagg, the sum of thirty-eight dollars and J. S. & S. A.
ixty-three cents, for stationery furnished the superintendent of Bagg.
ublic instruction, and the further sum of twenty-one dollars and
eventy-six cents, for stationery furnished the office of the auditor
eneral, and the further sum of one hundred and thirty-five dol-
ars, for journals and record books furnished the supreme and
ircuit courts in the third circuit, and the further sum of eighty-
our dollars, for stationery furnished the bank commissioners; and
he further sum of twenty-three dollars and sixty-four cents, for
tationery furnished the state treasurer's office, and the further
um of eleven dollars and twenty-five cents, for stationery and
ther articles furnished the state library, and the further sum of
wenty-nine dollars and fifty-one cents, for stationery furnished
he chancellor's office, and the further sum of seventy-nine dol-

lars and seventy-seven cents, for stationery furnished the office of the attorney general, and the further sum of one hundred and sixty dollars and ninety-four cents, for stationery, journals and records furnished the secretary of state, and the further sum of seventy-four dollars and ninety-three cents, for stationery furnished the commissioners superintending the revision of the laws, and the further sum of ninety dollars and sixty-three cents, for stationery furnished the officers of the supreme court.

J. T. Blois. To J. T. Blois, the sum of ten dollars, for preparing statistical memoranda for the use of the executive, by the request of the

C. Wood. state treasurer; to Calvin Wood, the sum of forty-four dollars and fifty cents, for expenses summoning witnesses during the pre-

Burger and Stevens. sent session; to Burger and Stevens, the sum of sixteen dollars, for two reams of paper furnished the legislature of eighteen hun-

K. Pritchette. A. Felch. dred and thirty-eight; to K. Pritchette and A. Felch, the sum of twenty-four dollars, for their expenses in investigating the Oakland

J. Stilson. county bank and the bank of Macomb; to James Stilson, the sum of sixteen dollars, for services as brigade inspector, in

J. Snow. inspecting four battalions of Michigan militia; to Josiah Snow, the sum of one hundred and thirty-nine dollars and fifty cents, for

D. Thompson. wood furnished the capitol; to Daniel Thompson, the sum of thirty-nine dollars for boarding several Indians arrested in the county of Ionia, and confined in the jail at Detroit; to John S.

J. S. Bagg. Bagg, the sum of two hundred and fifty dollars, for publishing the session laws of eighteen hundred and thirty-eight, in weekly paper; and the further sum of three hundred and twenty-nine dollars and twenty cents, for printing done for the office of state treasurer, secretary of state, state library, auditor general, attorney general and bank commissioners, and the further sum of ninety-three dollars and seventy-seven cents, for newspapers furnished the

J. J. Cicotte. members of the house of representatives; to James J. Cicotte, the sum of six dollars, for services as door-keeper pro tem. of the house of representatives, and also for repairing locks and drawers

A. H. Hanscomb; E. J. Roberts. to desks, the sum of six dollars and twenty-five cents; to A. H. Hanscomb and E. J. Roberts each, the sum of fifty dollars, for services as secretaries to investigating committees; to F. H.

F. H. Harris. Harris, the sum of thirty-two dollars, for inspecting eight batta-

Baldwin & Kimball. lions of Michigan militia; to Baldwin and Kimball, the sum of thirteen dollars and eleven cents, for locks and screws furnished

A. M. Gould. for the desks in the capitol; to A. M. Gould, the sum of three

lollars, for copying affidavits taken by the committee appointed o investigate the affairs of the bank of Ypsilanti; to Hiram H. Paulding. Paulding, the sum of three dollars and fifty cents, for repairing epresentatives hall; to James Saunders, the sum of twelve dol- J. Saunders. ars, for summoning witnesses in the investigation of the affairs of he board of internal improvement; to John Norton, jr., the sum J. Norton, jr. of twenty-four dollars and seventy-five cents, for wood furnished he capitol; to A. Ten Eyck, the sum of eight dollars and fifty-eight A. Ten Eyck. ents, for taking depositions at the request of the board of commissioners of internal improvement; to J. B. Vallee, the sum of J. B. Vallee. eventy-two dollars, for translating the governor's message into he French language; to L. Caualli, the sum of forty-seven dol- L. Caualli. ars, for translating the governor's message into the German anguage; to C. Coggeshall & Co., the sum of five dollars and C. Coggeshall & Co. wenty-five cents, for candles, &c. furnished the legislature of ighteen hundred and thirty-seven and eighteen hundred and thirty ight; Marsh and Chittenden, four dollars and eighty-eight cents, Marsh and Chittenden. or repairing stove in the secretary's room; to G. L. Whitney, G. L. Whitney. he sum of ninety-one dollars and forty-six cents, for thirty-four opies of the Daily Advertiser furnished the senate and house of epresentatives; to R. W. Ingalls, the sum of five dollars, and to R. W. Ingalls; F. . Johnson, the sum of three dollars, for newspapers furnished the Johnson. embers of the house of representatives; to J. S. & S. A. Bagg, J. S. & S. A. Bagg. he sum of nine hundred and seventy-two dollars and forty-seven ents, for stationery furnished the members of the house of representatives; to John S. Bagg, state printer, five thousand nine J. S. Bagg. undred and four dollars and fifty-seven cents, for printing journals nd documents of the present legislature; to Stevens T. Mason, S. T. Mason. ifty dollars, for moneys paid by him to supply deficiency in the ive million loan; to E. B. Harrington and E. J. Roberts, com- E. B. Harrington and missioners on the publication of the revised statutes, for clerk hire, E. J. Roberts. a copying three thousand two hundred and fifty-two folio, three undred and twenty-five dollars and twenty cents; to Thomas T. Fitzgerald. Fitzgerald, late bank commissioner, seventy-five dollars, for legal xpenses incurred by him in investigating in July last, on behalf f the state, the affairs of the Berrien county bank.

Sec. 2. The officers of the senate and house of representatives Officers of senate and house. hall be paid by the state treasurer in the same manner as directed Sergeant-at-arms, door-keeper. y law: *Provided*, That the sergeant-at-arms, door-keeper,

Clerks, secretary of senate and clerk of house.

enrolling and recording clerks of the senate and house of representatives shall each be allowed three dollars per day during their attendance, and the secretary of the senate and clerk of the house of representatives shall each receive three dollars per day: *And*

President of senate and speaker.

provided further, That the president of the senate and speaker of the house of representatives respectively, the sum of six dollars

C. S. Adams.

per day; and there shall be paid to Charles S. Adams, the sum of ninety dollars, for completing the record of the journals of the

E. J. Roberts.

house of representatives—and to E. J. Roberts, the sum of one hundred and eighty dollars, to prepare and superintend the publication of the journals and documents of the house of representatives of the present session, and making indexes for the same, to be paid on the certificate of the secretary of state that the same is completed.

Roberts and Griswold.

To Roberts and Griswold, the sum of ninety-three dollars and forty-seven cents, for thirty-two numbers of the Post and Craftsman, furnished the members of the house of representatives,—and

To pay for newspapers.

the further sum of not exceeding two hundred and fifty dollars, be and the same is hereby appropriated to pay for the several newspapers furnished members of the present legislature, not provided for in this act, to be paid by the state treasurer, on the certificate of the respective clerks of the senate and house of representatives, that the same have been ordered and received

G. Coombs.

by the members; to George Coombs, the sum of one dollar per day during the session of the present legislature, to be paid on the certificate of the speaker of the house of representatives—and the further sum of one thousand dollars, to be placed at the disposal of the governor, as a contingent fund to pay unforeseen

Contingent fund.

expenses, a statement of which disbursements shall be laid before the legislature, by the auditor general, at its next annual session; and a further sum of money, not exceeding fifteen thousand dollars,

Additional sum to pay members.

in addition to the sum already appropriated by an act making special appropriations, and for other purposes, approved April ten, eighteen hundred and thirty-nine, or so much as may be necessary to pay the members and officers of the present legislature; and the further sum of one dollar and fifty cents per day

T. Lappin.

shall be paid to Thomas Lappin, for services as messenger to the

C. O'Neil.

house of representatives; to Charles O'Neil, the sum of one dollar

Messengers of senate.

per day, for services as assistant messenger, and one dollar per

day to each of the messengers of the senate during the present session.

There shall be paid to Aymar and Shaw, for stationery furnished the senate, three hundred and eighteen dollars and seven cents; and to John Grifford, assistant door keeper to both houses, two dollars per day during the session of the legislature; to the publisher of the Pontiac Herald, for publishing adjutant general's orders, eighteen hundred and thirty-eight, twenty-five dollars; to C. B. H. Fessenden, six dollars, for copying report of the committee on corporations; to E. D. Fisher, for one table furnished senate, thirty dollars, and for repairing tables and locks in eighteen hundred and thirty-nine, ten dollars; to J. S. and S. A. Bagg, for newspapers furnished senate, eighteen hundred and thirty-nine, twenty-four dollars and twenty-one cents; to N. D. Curtis, sixteen dollars, money expended in investigating the banks of Washtenaw and Clinton; to Thomas J. Drake, fifty-two dollars, for attending as a witness before the committee of investigation on the conduct of Judge Morell, eighteen hundred and thirty-seven; to John Berry, as secretary to committee and engrossing, nine dollars; to Sidney L. Rood, for stationery, fifteen dollars and twenty-five cents; to the publishers of the Morning Post and Craftsman, for papers furnished the senate, forty dollars and forty-five cents; to Edward Mundy, seven hundred and fifty-six dollars, for his salary as acting governor of this state during the absence of the governor in the year eighteen hundred and thirty-eight; to Amos Lay, thirty-two dollars and fifty cents, for maps furnished the state library; to John D. Pierce, forty-five dollars, for attendance before the committee on incorporations of the senate, including travel fees from Marshall to Detroit; to Samuel M. Stelle, for enrolling and engrossing one bill, three dollars; the sum of two hundred dollars to be paid to the secretary of the senate for bringing up the journals of the senate and preparing the same for publication, including the senate documents and making an index to the journals and documents, and for bringing up the executive journal; to John Berry, recording clerk of the senate, for services in bringing up and completing the journals of the present session, the sum of sixty dollars, to be paid when the same are completed and filed in the secretary's office; to O. Willcox, for preparing the manual for the senate for the year eighteen hundred and thirty-nine, five dollars; to E.

Aymar & Shaw.
J. Grifford.
Pontiac Herald.
C. B. H. Fessenden.
E. D. Fisher.
J. S. & S. A. Bagg.
N. D. Curtis.
T. J. Drake.
J. Berry.
S. L. Rood.
Morning Post & Craftsman.
E. Mundy.
A. Lay.
J. D. Pierce.
S. M. Stelle.
Secretary of senate.
J. Berry.
O. Willcox

E. B. Tuttle. B. Tuttle, for services as assistant enrolling clerk, the sum of
W.H.Wilder thirty dollars; to William H. Wilder, for services as enrolling
J. S. & S. A. Bagg. clerk, eighteen dollars; to J. S. and S. A. Bagg, for 8 lbs. candles, four dollars, and for stationery furnished senate, one hundred and thirty-five dollars and seventy-six cents.

Treasurer to receive certain moneys of Bank of Michigan. Sec. 3. The state treasurer is hereby authorized and required to receive from the Bank of Michigan so much of the moneys borrowed by the auditor general of the Bank of Michigan on account of the sale of the state drafts, as may be necessary to pay the several sums hereby appropriated, and the appropriations made by an act making special appropriations, and for other purposes, approved April 10, 1839, not exceeding the sum of eighty thousand dollars.

Appropriation act of April 6, 1838 amended. Sec. 4. That so much of the second section of the act approved April sixth, eighteen hundred and thirty-eight, as appropriates to the secretary of state five hundred dollars for transcribing and recording all laws passed by the legislature of the territorial or state government as had not been transcribed and recorded, be and the same is hereby repealed, so far as it relates to transcribing and recording of the territorial laws, and that one half of said sum be paid on the passage of this act.

Governor. Sec. 5. There shall be allowed to the governor, two thousand
Secretary of state. dollars for his annual salary; to the secretary of state, one thou-
Auditor general. sand dollars for his annual salary; to the auditor general, one
Treasurer. thousand dollars for his annual salary; to the treasurer, eight
Attorney general. hundred dollars for his annual salary; to the attorney general,
Adjutant general. five hundred dollars for his annual salary; to the adjutant general,
Superintendent of public instruction. one hundred and twenty-five dollars for his annual salary; to the superintendent of public instruction, fifteen hundred dollars for
Chancellor. his annual salary; to the chancellor of the state, fifteen hundred
Chief justice of supreme court. dollars for his annual salary; to the presiding judge of the supreme
Associate justices. court, sixteen hundred dollars; and to the three associate judges of the same court, each fifteen hundred dollars for their annual
Governor's private secretary. salaries; to the governor's private secretary, five hundred dollars
J. L. Ankrim. for his annual salary; to Joel L. Ankrim, for services as assistant enrolling clerk from the sixth day of April, at the rate of three
C. Seward. dollars per day; there shall be audited and allowed to Charles Seward, so much of his claim against the state as the auditor general shall deem just and reasonable for his travel and expenses incurred in reclaiming fugitives from justice on a requisition from

the governor; to True P. Tucker, eight dollars, for inspecting two battalions of Michigan militia. T. P. Tucker.

The said several officers in this section above enumerated, shall each be paid the sum specified, quarterly yearly, or at the end of every three months, commencing on the first day of January, or from the time the incumbent may have been appointed and shall have entered on the duties of his office, or from the time he has last been paid his quarter salary. To Orren Marsh, state librarian, three dollars per day during the session of the legislature, to be paid out of the money appropriated to increase the state library. There shall be allowed and paid to Sheldon McKnight, the sum of five hundred and eighteen dollars and seventy-nine cents, for moneys advanced to pay the postage on papers and letters for the members of the present legislature. To S. Humes Porter, for services as enrolling clerk, from the first day of April, at the rate of three dollars per day, to be paid on the certificate of the clerk of the house of representatives, and also for enrolling previous to the first day of April, fifteen dollars. O. Marsh. S. McKnight. S. H. Porter.

Sec. 6. The state treasurer is hereby authorized to pay the members and officers of the present legislature, upon the certificate of the president of the senate, and speaker of the house of representatives, such sums as may be due to the respective members and officers thereof. Members of legislature, &c., to be paid on certificate of president of senate or speaker.

Sec. 7. That the treasurer of state, on the warrant of the auditor general, is hereby authorized and required to pay to John S. Bagg, state printer, out of any moneys in the treasury not otherwise appropriated, the sum of two dollars and thirty cents for each and every copy (complete) of the revised statutes which the secretary of state shall certify has been deposited in his office, not exceeding in the whole number seven thousand copies, as authorized by law. J. S. Bagg, for revised statutes.

Sec. 8. That the state treasurer, on the warrant as aforesaid, and out of unappropriated moneys as above stated, is hereby authorized and required to pay to the said John S. Bagg, state printer, the following sums of money, viz: for printing, binding and materials for three thousand four hundred and fifty copies of the laws of the adjourned session of eighteen hundred and thirty-seven, and of the regular session of eighteen hundred and thirty-eight, the sum of two thousand eight hundred and seventy-one dollars and seventeen cents; for five hundred copies of the senate journal and documents of the adjourned session of eighteen Session laws of 1838. Journals of adjourned session of 1837.

hundred and thirty-seven, for revising the statutes, including printing and materials, the sum of six hundred and twenty-five dollars and forty-two cents; for five hundred copies of the house journals of the adjourned session of eighteen hundred and thirty-seven, to revise the statutes, including printing and materials, the sum of five hundred sixty-three dollars and six cents; for two hundred copies of the journals and two hundred copies of the senate documents, for the session of eighteen hundred and thirty-eight, including printing and materials, the sum of one thousand six hundred and sixty-one dollars and sixty-three cents; for two hundred copies of the journals, and two hundred copies of the documents of the house of representatives for the session of eighteen hundred and thirty-eight, including printing and materials, the sum of one thousand seven hundred thirty-six dollars and fifty-three cents; for one hundred and sixty copies of Jarvis Hurd's report on the Clinton and Kalamazoo canals, including printing and materials, the sum of five hundred and twenty dollars and eighteen cents; for three thousand copies of the school laws, including printing and materials, the sum of one hundred and ninety dollars and twenty cents; for three thousand copies of the militia laws, including printing and materials, the sum of three hundred and fifty-one dollars; and that each and all of said sums are to be paid on satisfactory evidence given to the auditor general, that the works for which the several sums are herein respectively appropriated have been completed and delivered according to law.

Journals and documents of 1838.

J. Hurd's report.

School laws.

Militia laws.

When to be paid.

Certain sums to be deducted.

Sec. 9. That the treasurer shall deduct from the amount of the appropriation herein made, such sum or sums as shall have been advanced to the said John S. Bagg, in pursuance of the act entitled "An act making appropriations for the year one thousand eight hundred and thirty-eight, to defray the current expenses of the government, and for other purposes," approved April 6th, 1838, and also the further sum of one hundred and twenty-five dollars.

Law requiring moneys to be deposited in Michigan State Bank repealed.

Sec. 10. That so much of any law as requires the treasurer to deposite the moneys of the state in the Michigan State Bank, be and the same is hereby repealed.

Act take effect.

Sec. 11. This act shall take effect from and after its passage.

Approved April 20, 1839.

RESOLUTIONS.

[No. 1.]

INT RESOLUTION in relation to Blois' Gazetteer.

it resolved by the Senate and House of Representatives, he secretary of state be requested to furnish the tables of ouses with Blois' Gazetteer; the expenses of which are not eed one dollar and fifty cents per copy.
proved February 5, 1839.

[No. 2.]

RESOLUTION appointing commissioners to examine the Oakland county Bank and the Macomb unty Bank.

olved by the *Senate and House of Representatives of the f Michigan,* That Kintzing Pritchette and Alpheus Felch, ommissioners of this state, or either of them, be and they reby constituted commissioners of this legislature, to examnto the affairs of the Oakland county and the Macomb banks and report thereon without unnecessary delay.
proved February 5, 1839.

[No. 3.]

A PREAMBLE AND JOINT RESOLUTION in relation to the erection of a light-house, &c. at the mouth of the Clinton river.

Preamble.

Whereas, the east part of the Clinton and Kalamazoo canal is now under contract, partially constructed, and is expected to be finished, ready for navigation in the course of the ensuing summer or fall: and whereas, without the appropriation hereinafter mentioned, it is believed that great and serious injury will result to the interests of this state, as well as to the interests of commerce and navigation in general, for want of a light-house, and the necessary improvements at the mouth of the Clinton river, which is the port of entry for, and the natural point of communication with said canal, by means of said river; therefore,

Senators and representative in congress instructed to procure appropriation for that purpose, from U. S. government.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in congress be instructed, and our representative be requested, to use their utmost endeavors to obtain from the congress of the United States, at the present session of that body, an appropriation of thirty thousand dollars, for the purpose of erecting a light-house at the mouth of the Clinton river, on the north side thereof, at Belvidere, Macomb county, Michigan, and of building a pier, and otherwise improving the harbor at said place.

Approved February 8, 1839.

[No. 4.]

A JOINT RESOLUTION.

Steam revenue cutter.

Resolved by the Senate and House of Representatives of the State of Michigan, That our senators in congress be instructed, and our representative requested, to use their best efforts to procure an appropriation and authority from the general government, to cause to be constructed a steam revenue cutter, of sufficient magnitude and capacity, to be furnished and manned as the necessity of the case may require, to navigate Lakes Erie, St. Clair, Huron and Michigan.

Governor to transmit copy resolution.

Resolved, That his excellency the governor be requested to transmit a copy of the foregoing resolution to the president of the

of the salt springs and salt spring lands granted to this state, within the period prescribed by the act of congress making said grant, as well as the better to enable said geologist to prosecute to advantage the geological survey of the state, now in progress.

Resolved, That the executive be requested to forward a copy of the foregoing resolution to the secretary of the treasury of the U. States, soliciting a compliance with the request therein made.

Approved March 17, 1839.

[No. 15.]

A JOINT RESOLUTION authorizing the governor to fill vacancies in the militia.

Whereas, numerous offices in the militia are now vacant, and whereas, an immediate and effective organization of the same is deemed important:

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor be and he is hereby authorized, to fill, by commission, all vacancies which may exist in the militia, any law to the contrary notwithstanding.

Approved March 19, 1839.

[No. 16.]

JOINT RESOLUTION relative to a certain independent military corps.

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor be and hereby is authorized, to organize such independent volunteer corps from the half-breeds and Indians as he may deem proper, and commission them according to the laws now in force.

Approved March 19, 1839.

treaties made between the United States and foreign nations, the free right of expatriation is as yet unrecognized, subjecting, in case of a national war, many of our adopted citizens to the peril of being deemed and treated as traitors; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our senators in congress be and are hereby instructed, and our representative is hereby requested, to use their efforts for the adoption of such measures as will ensure the recognition, by foreign powers with whom we have national intercourse, of the absolute citizenship of all foreigners naturalized by the existing laws of the United States.

Approved February 14, 1839.

[No. 10.]

Joint Resolution.

Purchase of poor-house for marine hospital.

Resolved by the Senate and House of Representatives of the State of Michigan, That it be recommended to the United States collector for the port of Detroit, to purchase the county poor-house, together with the premises thereto attached, near the city of Detroit, for a marine hospital, inasmuch as the same will be in a few days offered for sale by virtue of an act of the legislature, passed at this present session; and in case the collector shall not feel himself authorized to make such purchase, that it be recommended to him to solicit from the honorable secretary of the treasury, authority to make such purchase.

Approved February 21, 1839.

[No. 11.]

Joint Resolution relative to supplying the library of the University with certain state documents.

Secretary of state to preserve certain laws and documents for university.

Resolved by the Senate and House of Representatives of the State of Michigan, That the library of the university of Michigan shall be entitled to one copy of the journals and documents of both houses of the legislature, at each session, and it shall be the duty of the secretary of state to cause copies of the same, from

tions to obtain the consent of congress, for this state to select other lands belonging to the United States, which are unoccupied, in lieu of those lands which were located upon the improvements of actual settlers, for university and state purposes; and also, that they endeavor to secure to such settlers their right of pre-emption to said lands, so that its benefits shall extend to the widow and children of any deceased settler.

Approved February 8, 1839.

[No. 8.]

A Joint Resolution in relation to a Marine Hospital.

Whereas, the establishment by the government of the United States of a marine hospital at or near the city of Detroit, would, in the opinion of this legislature, be greatly promotive of the public good; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That the senators and representative of this state, in the congress of the United States, be requested to use their utmost endeavors to cause a law of congress to be passed, during the present session of that body, making provision for the establishment of such marine hospital, at or near Detroit, as aforesaid.

And be it further resolved, That the secretary of state of this state be and he is hereby directed to transmit one copy of the foregoing preamble and resolution to each of the senators and representative of this state in the congress of the United States.

Approved February 12, 1839.

[No. 9.]

Joint Resolution relating to the right of expatriation.

Whereas, the constitution of the state of Michigan is pre-eminently characterized by its spirit of liberality to the foreign emigrant; and whereas, it is just, right and proper, that no envious distinction should exist in the United States between the adopted and the native citizens; and whereas, in the various

treaties made between the United States and foreign nations, the free right of expatriation is as yet unrecognized, subjecting, in case of a national war, many of our adopted citizens to the peril of being deemed and treated as traitors; therefore,

Be it resolved by the Senate and House of Representatives of the State of Michigan, That our senators in congress be and are hereby instructed, and our representative is hereby requested, to use their efforts for the adoption of such measures as will ensure the recognition, by foreign powers with whom we have national intercourse, of the absolute citizenship of all foreigners naturalized by the existing laws of the United States.

Approved February 14, 1839.

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Approved February 21, 1839.

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Secretary of state to preserve certain laws and documents for university.

Resolved by the Senate and House of Representatives of the State of Michigan, That the library of the university of Michigan shall be entitled to one copy of the journals and documents of both houses of the legislature, at each session, and it shall be the duty of the secretary of state to cause copies of the same, from

the organization of the state government, to be put up and preserved in his office or in the state library, until a building for the university library shall be completed; and it shall be the further duty of the secretary of state to procure for the university library, copies of the laws passed by the state legislature prior to the passage of the revised statutes, and copies of the laws and journals of the territorial legislatures, when more than one copy of the same may be in possession of the state, and put up and reserve the same, as herein before directed.

Approved February 21, 1839.

[No. 12.]

JOINT RESOLUTION relative to the Tecumseh and Ypsilanti railroad company.

Resolved by the Senate and House of Representatives of the State of Michigan, That the state treasurer be and is hereby authorized to place to the credit of the Ypsilanti and Tecumseh railroad company, from the internal improvement fund, the sum of fifteen thousand dollars, on account of the one hundred thousand dollar loan authorized by an act of the last legislature.

Approved February 25, 1839.

[No. 13.]

JOINT RESOLUTION.

Whereas, the act making appropriations for the year eighteen hundred and thirty-eight, approved April sixth, eighteen hundred and thirty-eight, provides in section six of said act for the payment of witnesses who attended on the committee of investigation concerning the location of the northern and southern railroad, upon the certificate of the chairman of said committee; and whereas, a number of witnesses who attended did not call for their pay before the time had expired, for which their chairman could legally act; Preamble.

Auditor to draw warrant for fees of certain witnesses on investigation of location of railroad.

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general be, and he is hereby authorized and requested to draw his warrant on the treasurer of this state for the amount due said witnesses, as will appear from the statements in the hands of the late chairman: *Provided*, That the claims of said witnesses would have been allowed under the rules adopted by said committee for the payment of witnesses, and that the auditor general shall be satisfied thereof by a certificate of the chairman of said committee or otherwise, and that the whole amount paid shall not exceed the appropriation for that purpose.

Approved February 27, 1839.

[No. 14.]

JOINT RESOLUTION relative to procuring certain maps of United States surveys.

Whereas, by an act of congress, approved June twenty-three, eighteen hundred and thirty-six, and the acceptance of the propositions therein contained by the legislature, there were granted to the state of Michigan, twelve salt springs, situated and to be selected within the limits of said state; and whereas, five of said salt springs, together with the six sections of land granted by the aforesaid act, in connection with each of the salt springs authorized to be selected and reserved by the state; and whereas, the state geologist, appointed on the part of the state to make the selection of the aforesaid salt springs and lands, is unable from the want of access to the maps and plats of the late surveys made by the authority of the United States, in the northern portion of the lower peninsula of this state; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the secretary of the treasury of the United States be, and he is hereby respectfully requested, to cause such instructions to be given to the office of the surveyor general, at Cincinnati, as will procure to Douglass Houghton, state geologist of this state, or to his special order, access to or means of procuring copies of the maps and plats of the late surveys in this state, for the purpose of enabling him to make the selection

of the salt springs and salt spring lands granted to this state, within the period prescribed by the act of congress making said grant, as well as the better to enable said geologist to prosecute to advantage the geological survey of the state, now in progress.

Resolved, That the executive be requested to forward a copy of the foregoing resolution to the secretary of the treasury of the U. States, soliciting a compliance with the request therein made.

Approved March 17, 1839.

[No. 15.]

A JOINT RESOLUTION authorizing the governor to fill vacancies in the militia.

Whereas, numerous offices in the militia are now vacant, and whereas, an immediate and effective organization of the same is deemed important:

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor be and he is hereby authorized, to fill, by commission, all vacancies which may exist in the militia, any law to the contrary notwithstanding.

Approved March 19, 1839.

[No. 16.]

JOINT RESOLUTION relative to a certain independent military corps.

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor be and hereby is authorized, to organize such independent volunteer corps from the half-breeds and Indians as he may deem proper, and commission them according to the laws now in force.

Approved March 19, 1839.

[No. 17.]

A JOINT RESOLUTION to ascertain the number of the militia.

Resolved by the Senate and House of Representatives of the State of Michigan, That it shall be the duty of the several township assessors within this state, after the first of April next, at the time of making assessments, to ascertain as near as possible the number of persons between the ages of eighteen and forty-five, liable to do militia duty within their respective townships, and make due and immediate return of the same to the county clerks, and they to the adjutant general, and that the secretary of state forward a copy of this resolution as soon as may be practicable, after its adoption, to each of the township clerks within this state.

Approved March 19, 1839.

[No. 18.]

JOINT RESOLUTION requesting the executive to communicate with the secretary of war in relation to arms, &c.

Whereas, the returns of the numerical strength of our militia to the war department for the last five years, have been exceedingly imperfect for the want of proper organization, and at the present time the number returned is believed to be less than one-sixth of our actual numerical strength, in consequence of which we have received annually but about fifty stands of arms instead of three or four hundred; and whereas, by reason of such delinquency, the state is not prepared to furnish arms and accoutrements for uniform and volunteer companies according to the provisions of law; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the governor be and is hereby requested to communicate to the secretary of war the desire of this legislature, that three thousand stand of arms, with the necessary accoutrements, may be advanced to him from the U. S. arsenal, in this state, to be distributed to uniform or volunteer companies in the manner prescribed in "An act to amend

:t to organize the militia," approved March twenty-seventh,
:en hundred and thirty-eight.
solved, That the state shall be responsible for any arms and
trements advanced in the manner named in the preceding
ıtion, until the state shall be entitled to the number of arms
ıdvanced, according to the quota to which it may hereafter
titled from the numerical strength and returns of its militia,
til returned, if sooner required by the secretary of war.
proved March 25, 1839.

[No. 19.]

T RESOLUTION relative to money advanced to embers and officers of the legislature, by the ichigan State Bank.

solved by the Senate and House of Representatives of the To be charged to state treasurer by bank.
of Michigan, That the cashier of the state bank be in-
ted to charge to the account of the state treasury, all
ys advanced to the members and officers of this legislature
y for their services, and that he also be instructed to furnish
: president of the senate and to the speaker of the house of
sentatives, a statement of all money thus advanced, specify-
ıe amount advanced to each member or officer.
solved, That the president of the senate and the speaker of Sums advanced to be deducted from pay of members.
ouse of representatives, in making out the certificates of
mount due for services to the several members and officers
s legislature, be authorizcd to deduct the amount advanced
:h member or officer by the cashier of the state bank.
)proved April 4, 1839.

[No. 20.]

IT RESOLUTION relative to the Macomb county bank.

:solved by the Senate and House of Representatives of the Report of bank commissioners and other papers, referred to attorney general, with instructions.
: *of Michigan*, That the report of the bank commissioner on
Macomb county bank, and all papers, statements and affida-
accompanying said report, or in any way relating to the said
:, be referred to the attorney general, with instructions to

examine the same, and if upon his examination he is of the opinion there has been any violation of the charter, to institute such legal proceedings against said bank as the laws of the state and the public interest may require.

Approved April 8, 1839.

[No. 21.]

A JOINT RESOLUTION relative to the State Penitentiary.

Settlement of commissioners' accounts.

Resolved by the Senate and House of Representatives of the State of Michigan, That the chairman of the select committee of the house of representatives, appointed to investigate the acts of the commissioners on the penitentiary, and Sands McCamly, be and they are hereby authorized to proceed to Jackson, and audit and settle the accounts of the commissioners with the state, and to report their doings to the governor or auditor general, as soon after the close of the session as practicable; and they are hereby authorized to issue subpœnas, administer oaths, and take such testimony as they may deem proper.

Approved April 10, 1839.

[No. 22.]

JOINT RESOLUTION to pay Thomas Beals, or his assigns, a certain sum of money.

Resolved by the Senate and House of Representatives of the State of Michigan, That the state treasurer be required to pay to Thomas Beals, or his assigns, the principal and interest on a check drawn by the state treasurer upon the Michigan state bank, for the sum of ten thousand three hundred and fifty dollars, bearing date January 5th, 1839, upon the surrender and cancelling of said check: *Provided, however*, That the said check shall be paid out of the university and common school moneys, and no other.

Approved April 12, 1839.

[No. 23.]

Resolution relative to the election of United States Senator.

d by the Senate and House of Representatives of the Michigan, That on Tuesday, the sixteenth April, the :s of this legislature shall proceed to the election of) represent the state of Michigan in the senate of the ates, and may continue from day to day until such completed, any law or resolution to the contrary notng.

ed April 16, 1839.

[No. 24.]

Resolution to authorize the Auditor General to draw a certain warrant.

l by the Senate and House of Representatives of the Michigan, That the treasurer of this state be and he is ected to draw his check for fifteen thousand dollars, upon :gotiated by the auditor general, under the law approved , 1839, with the Bank of Michigan, upon the delivery the auditor's warrant, issued for said sum of fifteen dollars, dated twenty-fifth February, eighteen hundred -nine, payable to Ypsilanti and Tecumseh railroad, in of law: *Provided*, That said payment shall be made ieys advanced on account of the October instalment of illion loan.

In favor of Ypsilanti & Tecumseh railroad.

ed April 16, 1839.

[No. 25.]

Resolution authorizing the Auditor Gene- to audit the accounts of E. H. Lathrop.

d by the Senate and House of Representatives of the Michigan, That the auditor general of this state be and :by instructed to allow E. H. Lathrop, acting commisthe central railroad, the sum of one hundred ninety-

For money paid to A. J. Centre.

eight dollars and thirty-three cents, as appears due him from the internal improvement fund, by vouchers of A. J. Center, assistant engineer on said road, acknowledging the payment of said amount not yet audited; and that the said auditor be required to draw his warrant on the treasurer for the above sum, to be paid out of any current funds belonging to the internal improvement fund, on the presentation of the proper vouchers.

Approved April 16, 1839.

[No. 26.]

A Joint Resolution relative to the payment of a survey on the Southern Railroad.

To be charged to moneys appropriated for southern railroad.

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general be and he is hereby instructed to charge the amount (now audited) for the survey of a railroad route from Centerville, via Lockport, Geneva and Cassopolis, to Niles, to the appropriations already made, or hereafter to be made for the construction of the southern railroad.

Approved April 17, 1839.

[No. 27.]

A Joint Resolution in relation to the distribution of the Revised Laws and Session Laws.

Members and officers of legislature of 1839.

Resolved by the Senate and House of Representatives of the State of Michigan, That the officers of the legislature be and they are hereby entitled each to one copy of the revised laws, and one copy each of the session laws of eighteen hundred and thirty-eight; and the members and officers of the present legislature shall be entitled to receive each one copy of the session laws, and of the journal and documents, for the year eighteen hundred and thirty-nine.

Approved April 18, 1839.

[No. 28.]

A JOINT RESOLUTION relative to an amendment to the constitution.

Preamble. Whereas, an amendment to the constitution of the state was proposed by the last legislature, in the words following: "That so much of the first section of the second article of the constitution as prescribes the place in which an elector may vote, and which is in these words, to wit: 'district, county or township,' be abolished, and that the following be substituted in the place thereof, to wit: 'township or ward.' "

And whereas, if said proposed amendment should be agreed to by two-thirds of all the members elected to each house of the present legislature, the same must be submitted to the people of this state, at such time as this legislature shall prescribe; therefore,

Amendment agreed to by legislature; to be submitted to people at next election; notice thereof to be given. *Resolved by the Senate and House of Representatives of the State of Michigan*, (two thirds of each house concurring therein,) That the aforesaid proposed amendment to the constitution of the state, be and the same is hereby agreed to by this legislature; and that the same be submitted to the people of this state, for approval and ratification, according to the provisions of the first section of the thirteenth article of the constitution, on the first Monday of November next, and the following day; and it shall be the duty of the secretary of state, and all other officers required by law to give or publish any notices in regard to the annual election on said days, to give notice that the aforesaid amendment has been duly submitted to the electors of the state at said election.

Ballot box; ballots; return of votes; state canvassers. *Resolved*, That at the election aforesaid, a ballot box shall be kept for receiving votes for or against the amendment; on the ballot box [ballots] shall be written the words "for the amendment," or "against the amendment," and a return of the same shall be made by the proper canvassing officers, to the office of the secretary of state, as in the case of the election of state officers, as near as may be; and the board of state canvassers shall give notice immediately after canvassing said votes, whether the same has been ratified according to the provisions of the aforesaid article of the constitution.

Approved April 18, 1839.

[No. 29.]

A JOINT RESOLUTION of the Senate and House of Representatives to extend the time for settlement with the Michigan State Bank, and to increase the powers of the commissioners charged with that duty.

Auditor, secretary of state and J. Kearsley authorized to settle with bank.

Resolved by the Senate and House of Representatives of the State of Michigan, That the auditor general, the secretary of state, and Jonathan Kearsley, be and they are hereby appointed commissioners to settle with the Michigan State Bank, upon such terms as they may deem equitable. The said commissioners, or a majority of them, are hereby authorized to extend the time for payment of the balances found to be due from said bank to the state, to such time or times as the ability of the bank to meet the said several balances may seem to justify; and said commissioners are hereby authorized to receive from said bank its bond or bonds, or other satisfactory security, conditioned for the payment of said balances at such times as may be agreed upon between said committee and the president and directors of said bank.

Duty of treasurer on payment of balance due.

The treasurer of state is hereby directed, on the payment of the balances so found due from said bank, to pass the same to the credit of the several funds to which they now stand due, in the proportions the said payments made bear to said several funds.

Bank failing to pay bonds.

In case the said bank shall fail to meet the payment of its bonds as conditioned, the auditor general shall be and he is hereby directed to report such failure to the attorney general, who shall thereupon proceed to collect from said bank and its sureties according to law the amount which may be due, in the name of the state of Michigan.

Approved April 19, 1839.

[No. 30.]

JOINT RESOLUTION in relation to contractor on third division of the Central Railroad.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of commissioners of internal improvement shall charge to the contractor for the construction of the third division of the central railroad, all damage that shall or may accrue to the state by reason of the non-fulfilment of his contract by the first day of June next, and if not paid when demanded, to prosecute him and his sureties for the collection of the same.

Damages that accrue to be charged to contractor by commissioners of internal improvements.

Approved April 19, 1839.

[No. 31.]

A JOINT RESOLUTION authorizing the Acting Commissioner on the St. Marie's Canal to advance money.

Resolved by the Senate and House of Representatives of the State of Michigan, That the acting commissioner on the St. Marie's canal be authorized to advance to the present contractors (on good security) a sum not exceeding five thousand dollars.

Approved April 19, 1839.

[No. 32.]

A JOINT RESOLUTION in relation to Michigan State Bank.

Resolved by the Senate and House of Representatives of the State of Michigan, That the commissioners authorized to settle with the Michigan State Bank, be and they are hereby authorized to allow and credit said bank the sum of one hundred and twenty dollars, the amount advanced and paid to Mr. Buell, Mr. Butler, Mr. Smith and Mr. L. Cook, members of a committee authorized to investigate the Bank of Michigan, in eighteen hundred and thirty-eight.

Certain claims to be allowed to bank on settlement.

And further, to allow and credit to said bank such sum or sums as have been advanced to the members and officers of the present legislature, and the said commissioners are required to see that the checks are cancelled upon which the aforesaid moneys were drawn.

Approved April 19, 1839.

[No. 33.]

A JOINT RESOLUTION in relation to the contracting for wood for the use of the state.

Secretary of state to contract for.

Resolved by the Senate and House of Representatives of the State of Michigan, That the secretary of the state be and he is hereby authorized to contract for sixty-five cords of hard wood for the use of the state, the same to be delivered at some convenient time previous to the meeting of the next legislature.

Approved April 20, 1839.

[No. 34.]

A JOINT RESOLUTION to authorize the state treasurer to credit the internal improvement fund with certain moneys.

Resolved by the Senate and House of Representatives of the State of Michigan, That the state treasurer be directed to credit the internal improvement fund with the amount of moneys drawn from that fund for defraying the expenses of running, and the repairs of the central railroad, and charge said amount to the sinking fund.

Approved April 20, 1839.

[No. 35.]

A JOINT RESOLUTION authorizing the publication of the school laws.

Resolved by the Senate and House of Representatives of the State of Michigan, That the superintendent of public instruction be and he is hereby authorized and required to cause to be printed two thousand five hundred copies of chapter third, title eleven, part first of the revised statutes, as the same would read as amended since the passage of said revised statutes; and it shall be the duty of said superintendent to cause a copy of the same to be properly enveloped and addressed to the director of each school district, and to be transmitted by mail or otherwise, through the clerk of the board of school inspectors of each township, or other appropriate officer, to the directors of each district as aforesaid.

Twenty-five hundred copies to be printed and distributed by superintendent.

Approved April 20, 1839.

APPENDIX.

STATE TREASURER'S REPORT.

STATE TREASURER'S OFFICE,
Detroit, December 31st, 1838.

Honorable President of the Senate of Michigan:

SIR: In compliance with the laws regulating the duties of Treasurer, I herewith present the following statements of the business of this department for the year eighteen hundred and thirty-eight, viz:

First. A statement of the current expenses, for general purposes.

Second. A statement of receipts, from all sources, applied to the payment of the current expenses.

Third. A quarterly account current with the general fund.

Fourth. An account current with the sinking fund.

Fifth. An account current with the contingent fund.

Sixth. An account current with the penitentiary fund.

Seventh. An account current with the Ypsilanti and Tecumseh railroad company.

Eighth. An account current with the Allegan and Marshall railroad company.

Ninth. A statement of the bank fund.

Tenth. An account current with the internal improvement fund.

Eleventh. A summary statement of funds on hand, and to what account they stand due.

Twelfth. A statement of moneys received on account of sales of state stocks, and how applied.

Thirteenth. An estimate of expenses for the support of government for the year eighteen hundred and thirty-nine.

Fourteenth. An estimate of receipts applicable to the support of government for the year eighteen hundred and thirty-nine.

The expenses of the state for general purposes, for the year eighteen hundred and thirty-eight, amount to the sum of one hundred and sixty-eight thousand four hundred and eighty-five dollars and nine cents, to which add balance due the Michigan state bank on the first day of January last, fifteen thousand sixty-seven dollars and ninety-two cents, make the total expenses of the state for the year eighteen hundred and thirty-eight, amount to the sum of one hundred and eighty-three thousand five hundred and fifty-three dollars and one cent.

The receipts from all sources, applied to the payment of the above, including eighty thousand dollars returned from the internal improvement fund, amount to the sum of one hundred and seventy-one thousand nine hundred and ninety-nine dollars and seventy-seven cents, leaving a deficit in the receipts to meet current expenses, of eleven thousand five hundred and fifty-three dollars and twenty-four cents, which has been made up by an overdraft on the Michigan state bank, and to which amount the state is indebted this day.

I deem it my duty to present another view of this branch of the state expenditures, that the legislature may be made acquainted with the true state of this department, in this respect, and provide the means of meeting the contingency. By deducting the eighty thousand dollars returned from the internal improvement fund from the receipts, which has been applied to meet the current expenses, but which does not properly form a part of the ordinary revenue, it will be seen the actual amount received from all other sources, falls short of meeting the demands on the treasury for this branch of the public expenditures, in the sum of ninety-one thousand five hundred and fifty-three dollars and twenty four cents, which has been made up as before stated, by the eighty thousand dollars returned from the internal improvement fund, and by overdraft on the Michigan state bank for the balance. The ordinary receipts of the state, applicable to the payment of its current expenses, except from direct taxes, are limited, and even including taxes, are at present inadequate to the support of government. It will, therefore, be highly necessary, that this

department may not be embarrassed for funds, that early measures should be adopted by the legislature, to provide for this branch of the public service.

I submit statements of the probable receipts and expenses for the year eighteen hundred and thirty-nine; the former is estimated at one hundred and seventeen thousand six hundred and seventy-two dollars, and the latter at one hundred and twenty-four thousand seven hundred and seventy-eight dollars. Nominally, the amount of estimated revenue, including taxes due for years eighteen hundred and thirty-six and eighteen hundred and thirty-seven, and assessments for the year eighteen hundred and thirty-eight, is nearly sufficient to meet the estimated expenses of the state; but as a large amount of the revenue is to be derived from taxes alone, and as the taxes already due are probably from non-resident lands, and as the assessments for eighteen hundred and thirty-eight will not reach the treasury till quite late in the year, and perhaps to be subject to the same contingency the receipt of taxes heretofore has been, delay in the collections and transmissions to this office, I would respectfully suggest, in order to obviate the difficulty which this department will labor under, for want of funds, that temporary loans be made from our banks, for a length of time sufficient to enable the taxes already due and coming due, for eighteen hundred and thirty-eight, to be made available to the treasury. The collection of the amount due from taxes for the years eighteen hundred and thirty-six and eighteen hundred and thirty-seven, may be much facilitated, by so amending the Revised Statutss relating to the return of delinquent taxes to the Auditor General's office, and the issue of state stocks by the State Treasurer, that the taxes due previous to the adoption of the revised code may be included; by which means the state will, from the sale of its stock, in all probability, be put in funds at a much earlier period than by the ordinary mode of collections and transmissions through the several county treasuries; public convenience will also be promoted, and the treasury be more speedily replenished to the amount now due from that source.

Including the balance on the first day of January, eighteen hundred and thirty-eight, to the credit of the internal improvement fund, amounting to eighty thousand five hundred and forty-three dollars and fifty-five cents, the receipts from sale of state stocks and the five per cent on the United States land sales, placed to

the credit of that fund, amount to the sum of one million two hundred and sixty-five thousand five hundred and thirty-eight dollars and fifty-one cents; and the amount drawn from that fund is six hundred and seventy-nine thousand five hundred and fifty-one dollars and eighty-three cents, leaving an unexpended balance of five hundred and eighty-five thousand nine hundred and eighty-six dollars and sixty-eight cents this day.

There is a balance to the credit of the sinking fund of eighty thousand five hundred and sixty-two dollars and forty-five cents, applicable to the payment of interest on state stocks issued for the purpose of internal improvements.

Under the "Act authorizing a loan of a sum not exceeding one hundred thousand dollars, for the benefit of the Ypsilanti and Tecumseh railroad company," approved April six, eighteen hundred and thirty-eight, sixty thousand dollars out of funds arising from the sale of state stocks, has been paid to said company, upon evidence filed in this office, that the securities required to be given had been perfected and filed with the Auditor General.

Under the "Act authorizing a loan of one hundred thousand dollars for the relief of the Allegan and Marshall railroad company," approved April six, eighteen hundred and thirty-eight, the sum of sixty thousand dollars, from the sale of state stocks, has been passed to the credit of that company, subject to draft of said company, upon securities being perfected and filed according to the above act.

Agreeable to law, state stocks have been issued during the year for the following purposes and to the following amounts, viz: Under "An act to provide for the relief of Detroit and Pontiac railroad company," approved March five, eighteen hundred and thirty-eight, the sum of one hundred thousand dollars has been delivered to said company, securities having been perfected and filed according to law. Under "An act to authorize a loan of a certain sum of money to the University of Michigan," approved April six, eighteen hundred and thirty-eight, state stocks for the sum of one hundred thousand dollars have been delivered to the Board of Regents, the requirements of the act authorizing the issue having been complied with. And under "An act authorizing the building of the state penitentiary," approved March twenty-second, eighteen hundred and thirty-eight, the sum of twenty thousand dollars, and the proceeds of which, amounting to

the sum of twenty thousand eight hundred and fifty-three dollars and thirty-five cents, has been paid to the commissioners superintending the penitentiary, as per account rendered.

Respectfully submitted.

H. HOWARD, *Treasurer.*

DOCUMENTS.

(No. 1.)

Statement of the current expenses of the State for general purposes, for the year 1838.

Statement of expenditures for general purposes for the year 1838, *including the expenses of the November session of the legislature, year* 1837, *as per warrants paid the following persons.*

1838.			
Jan. 1.	Paid Epaphs. Ransom, one quarter year's salary, associate justice, ending Dec. 31,		$375 00
3.	John Goodrich, for compensation for his services in transcribing and transporting the records of the circuit court of the county of Oakland, to the office of the supreme court, Detroit,		12 00
5.	Jno. E. Schwarz, one quarter year's salary as adjutant general, up to Dec. 31, 1837,		31 25
	Wm. A. Fletcher, one quarter year's salary as chief justice, ending Dec. 31, 1837,		400 00
6.	George Morell, one quarter year's salary as associate justice, ending Dec. 21, 1837,		375 00
	K. Pritchette, one quarter year's salary as Secretary of State, ending December 31, 1837,		250 00
15.	D. Houghton, State Geologist,		6,000 00
	Elijah Ely, one of the committee in case of Geo. Morell,	$45 45	
	John Berry, services as enrolling clerk,	39 00	
15.	John Norton, jr., fiscal agent, for pay of members of the		
	Carried forward,	$84 45	$7,443 25

	Brought forward,	$84 45	$7,443 25
	Senate and House of Representatives,	12,491 30	
	John Norton, jr., fiscal agent, for pay of members of the legislature, and other expenses,	3,632 94	
			16,208 69
Jan. 19.	John Norton, jr., fiscal agent, for pay of members of legislature,	$706 50	
	John Norton, jr., fiscal agent, for pay of J. S. Bagg, and Bagg, Barns & Co., account for printing and stationery furnished both houses of the legislature,	7,403 99	
	L. L. Mason, six days attendance and mileage in case of G. Morell,	7 06	
			8,117 55
23.	Michigan state bank, balance of interest due Jan. 1, 1838,		769 31
26.	E. N. Bridges, one quarter year's salary from September 21st, Dec. 21, as Bank Commissioner, $1,000,	$250 00	
	C. C. Jackson, one quarter year's salary, as private secretary to Executive,	125 00	
			375 00
29.	Wm. Driggs, as witness in case G. Morell,	$4 00	
Feb. 5.	John Norton, jr., fiscal agent, pay certain members legislature,	325 00	
	John Norton, jr., fiscal agent, pay certain members legislature,	401 00	
			730 00
	Carried forward,		$33,643 80

	Brought forward,		$33,643 80
Feb. 5.	Horatio James, witness in case G. Morell,		5 75
8.	K. Pritchette, salary as Secretary of State from Jan. 1 to Feb. 5,		100 00
9.	S. Van Nest, witness before a committee at Monroe,	$15 00	
	Geo. Sedgwick, services rendered commissioner in revising laws,	65 00	
			80 00
13.	Rial Irish, witness in case of Geo. Morell,		7 12
15.	Thurber, Halslack and Barbour, do. do.		9 19
21.	F. Cowdery, recording journal adjourned session of legislature,		35 00
Mar. 1.	Internal improvement fund—this amount loaned the commissinners,		7,224 84
2.	Wm. F. Shepard, witness in case Geo. Morell,		6 40
3.	Jno. Norton, jr., fiscal agent, sundry expenses of legislature,	$230 75	
	Jno. Norton, jr., fiscal agent, sundry expen's of legislature,	171 00	
	Jno. Norton, jr., fiscal agent, paid Wm. Moore,	8 00	
	Jno. Norton, jr., fiscal agent, several witnesses in case G. Morell,	11 50	
	Henry C. Bunce, for Calhoun County Patriot,	5 00	
			421 25
6.	Rob't Abbott, auditor general, and H. Howard, treasurer, postage, (off,)		30 00
14.	E. Farnsworth, one quarter year's salary, ending Dec. 31, 1837,		375 00
28.	P. Morey, half year's salary, from Sept. 21, 1837, to 21st March, 1838, $400,	200 00	
	Geo. W. Wisner, as mem-		
	Carried forward,	200 00	$41938 35

	Brought forward,	$200 00	$41938 35
	ber of the legislature and mileage,	163 50	
	John Gallaway, witness in case Geo. Morell,	2 50	
	Daniel Pittman, inspector 3d division militia,	70 00	
			436 00
	C. H. Hooker, repairing and cleaning state arms,	$300 00	
	Thos. J. Drake, counsel in case G. Morell,	40 00	
			340 00
April 2.	Governor Mason, one quarter year's salary ending March 31, 1838,	$500 00	
	Jno. E. Schwarz, one quarter year's salary ending March 31, 1838,	31 25	
			531 25
3.	Geo. Morell, one quarter year's salary ending March 31, 1838,		375 00
4.	Epaphs. Ransom, one quarter year's salary ending March 31, 1838,	$375 00	
	Samuel Forsyth, for bread furnished militia,	6 25	
	S. N. Gantt, witness in case of Geo. Morell,	10 63	
			391 88
7.	H. Howard, one quarter year's salary as treasurer, ending March 31,		125 00
11.	Elon Farnsworth one quarter year's salary as chancellor, ending March 31,	375 00	
	Half year's instalment, interest due May 1, 1838, on $100,000 state stock, payable at Phœnix bank, N. Y.	3,000 00	
			3,375 00
14.	Morse & Brother, stationery furnished Executive, Secre-		
	Carried forward,		$47,512 48

	Brought forward,		$47,512 48
	tary of State and Treasurer's offices,	$56 05	
Apr. 14.	C. J. Walker, editor Grand River Times, papers,	3 00	
	H. A. Mansfield, services taking census of Monroe co.,	30 00	
	W. A. Fletcher, chief justice, one quarter year's salary ending 31st March,	400 00	
	W. A. Fletcher, services revising laws, one quarter year, ending 8th March,	375 00	
	John S. Bagg, advanced him on account printing state laws,	5,000 00	
	S. McKnight, Quartermaster General Michigan militia, pay of sundry persons,	114 17	
14.	Jno. Norton, jr., fiscal agent, pay of sundry members of the legislature,	22,279 50	
	Interest on $10,000 Palmyra and Jacksonburgh railroad state stock, falling due May 1, 1838, at Manhattan bank, New York,	350 00	
	O. Marsh, services as librarian,	291 00	
			28,898 72
18.	Jno. Norton, jr., fiscal agent, several warrants for pay of members and other expenses of the legislature, viz: one for $326 00, one for $1,399 50, one for $1,123 26, one for $8,250 51, one for $947 81,	$12,047 08	
			12,047 08
	Carried forward,		$88,458 28

	Brought forward,		$88,458 28
April 20.	L. M. Mason and Ira Porter, witnesses before committee investigating locations of the northern and southern railroad,		15 00
21.	Jno. Norton, jr., fiscal agent, warrants for pay of members and other expenses of the legislature, viz: one for $150 17, one for $888 00, one for $307 78,	$1,345 95	
			1,345 95
	E. J. Roberts, salary as commissioner superintending publication of the revised laws up to April 20,		270 00
23.	Thomas Fitzgerald, salary as bank commissioner up to April 18,		312 50
24.	A. Fuller and Ira Davis, witnesses in case of Geo. Morell,		5 62
25.	Jno. Norton, jr., fiscal agent, sundry warrants, each $8, $6, $35,		49 00
	B. Farrand, this amount loaned him,		800 00
26.	John Gibson, services attending sup. court,		120 50
27.	Lemuel Goodell, services as member of court martial, first division brigade inspector,		41 00
28.	John Norton, jr., fiscal agent, sundry expenses legislature,		454 19
May 4.	Michigan state bank; this am't borrowed of said bank,	$40,000 00	
	Interest on do. from January 1st to May 4,	825 00	
			40,825 00
	A. Felch, bank commissioner, one quarter year's salary up to May 2,		312 50
11.	Paid Messrs Burch & Field for teaming arms &c. from Fort Gratiot to Detroit,	$40 00	
	K. Pritchette, bank commissioner, one quarter year's salary ending May 7,	312 50	
	Carried forward,	$352 50	$133,009 54

	Brought forward,	$352 50	$133,009	54
May 11.	H. B. Webster, his account for iron safe, &c., for treasurer's office,	42 95		
	Jno. Norton, jr., fiscal agent, sundry warrants for the expenses of the legislature, $282 94, $93, $46 43, $13 68,	436 05		
			831	50
May 16.	A. Chandler, services as recording clerk to the legislature, bringing up journal, &c., $154, $42,		196	00
18.	John Norton, jr., fiscal agent, pay of George Combs, assistant messenger, $97, and B. Irish, witness in case of Geo. Morell, $12 62.		109	62
20.	Robert Abbott, postage on letters and other documents,	$25 00		
	Messrs. Dunbar, services as musicians to Toledo with militia,	36 00		
			61	00
21.	Jno. Paschall, witness in case of Geo. Morell,	$3 56		
	Jno. Norton, jr., fiscal agent, witness fees in case of Geo. Morell, and investigating locations of northern and southern railroads,	13 80		
	Reuben Stoddard, transporting volunteers from Monroe to Gibraltar,	5 00		
			22	36
23.	George Clark, provisions furnished the militia in going to and returning from Toledo,	$90 00		
	Carried forward,	$90 00	$134,230	02

Brought forward,	$90 00	$134,230 02	
John Norton, jr., fiscal agent, witness in case of Geo. Morell, $9 60, and Anthony Ten Eyck, superintending publication of journals, preparing index to the same, as per appropriation 1837, $150,	159 60		
		249 60	
31. John Norton, jr., fiscal agent, pay of two members of legislature,		321 00	
Douglass Houghton, geologist, one quarter year's salary, ending May 31,	$500 00		
8. C. C. Douglass, assistant geologist, one quarter year's salary ending May 31,	200 00		
Belah Hubbard, assistant geologist, one quarter year's salary ending May 31,	200 00		
Wm. P. Smith as sub-assistant, in charge of department of mechanical zoology, in geology department, one quarter year's salary ending March 31,	250 00		
Obed Lacey and Zebulon Mason, witnesses, investigating locations of northern and southern railroads,	40 50		
		1,190 50	
13. Contingent fund, per act appropriation March 23, 1837,		2,000 00	
14. John Norton, jr., fiscal agent, paid Henry Clitz,		97 00	
15. Randolph Manning, one quarter year's salary ending May 8,		250 00	
Carried forward,		$138,338 12	

	Brought forward,		$138,338 12
Juue 16.	A. Sager, services as zoologist of the geological department from March 1 to June 1, $1,500,	375 00	
	Jno. Wright, services as botanist, one quarter year's salary from March 1 to June 1, $1,500,	375 00	
	Geo. H. Bull, services as sub-assistant to botanical department, one quarter year's salary up to June 1, $800,	200 00	
	Austin M.Gould, books furnished the supreme and circuit courts,	19 50	
			969 50
21.	R. Partridge, one of the Hayden band in Toledo militia,		12 00
22.	James Mulholland, for apprehending a man by name of Brown on a warrant of the governor,		36 00
28.	Messrs. Collins, Keese & Co. account, books for the library,		438 46
29.	Edward Mundy, services as acting governor at different times previous to January 1, 1838,		666 00
30.	Epaph's Ransom, one quarter year's salary, assistant justice up to June 30,	$375 00	
	H. Howard, one quarter year's salary as treasurer,	125 00	
	Joseph Pierce, services in militia as one of the Hayden band,	12 00	
			512 00
	Carried forward,		$140,972 08

	Brought forward,		$140,972 08
July 2.	George Morell, one quarter year's salary as assistant justice to June 30,	375 00	
	Jno. E. Schwarz, one quarter year's salary as adjutant general,	31 25	
	Stephen Rivers, witness in case of Geo. Morell,	3 13	
			409 38
3.	Gov. Mason, one quarter year's salary up to June 30,	$500 00	
	Robert Abbott, postage on letters and other documents,	25 00	
			525 00
5.	John Norton, jr. fiscal agent, witness fees investigating locations of the northern and southern railroads,	$41 00	
	John Norton, jr. fiscal agent, witness fees investigating locations of the northern and southern railroads,	7 16	
			48 16
6.	Wm. A. Fletcher, one quarter year's salary as Chief Justice to June 30,	$400 00	
	E. Farnsworth, one quarter year's salary as Chancellor, to June 20,	375 00	
	John Norton, jr. fiscal agent, expenses investigating locations of the northern and southern railroads, $94, $8 17,	102 17	
	C. C. Jackson, one quarter year's salary, as private secretary to Executive,	125 00	
	P. Morey, one quarter year's salary as Attorney General,	100 00	
	Carried forward,	$1,102 17	$141,954 62

	Brought forward,	$1,102 17	$141,954 62
July	6. S. W. Higgins, one quarter year's salary as topographer,	250 00	
	O. D. Richardson, services one week revising the laws,	$25 00	1,377 17
	13. John Norton, jr. fiscal agent, paid A. Ten Eyck as clerk of the House of Representatives,		75 00
	Wm. Taylor, jr., John Smith, and Albion Bennett, each $12, services as members of the Hayden band with the militia at Toledo,		36 00
	21. H. Gilbert, for Kalamazoo Gazette,		3 00
	23. R. Abbott, for incidental expenses from Nov. 1834, to Sept. 1836,		80 00
	25. R. Abbott, stationery, office rent, as per appropriation April 6, 1838,		75 00
Aug.	3. E. B. Harrington and E. J. Roberts, commissioners superintending publication of the revised laws, Harrington $540, Roberts $270,		810 00
	6. Thomas Fitzgerald, as Bank Commissioner from April 18 to July 5, $1,250 per year,		267 35
	10. A. Felch, one quarter year's salary as Bank Commissioner, to August 2,	312 50	
	K. Pritchette, one quarter year's salary as Bank Commissioner, to August 8,	312 50	
	R. Manning, one quarter year's		
	Carried forward,	$625 00	$144,678 14

	Carried forward,	$625 00	$144,678 14
	salary as Secretary of State to August 8,	250 00	
			875 00
Aug. 11.	Wm. S. House, witness investigating locations of northern and southern railroads,		14 00
13.	J. P. Richardson, witness in case of George Morell,	1 50	
	R. R. Belding, witness in case of Geo. Morell,	3 50	
			5 00
14.	S. Poupard, transporting one box of books for library,		7 52
15.	Timothy Emerson, services as one of the Hayden band,		12 00
	R. W. Ingalls, for Adrian Watch Tower, paper,		3 00
18.	R. Abbott, postage on letters and other documents,		25 00
21.	John Norton, jr. fiscal agent, witness fees investigating the locations of the northern and southern railroads,		25 47
20.	J. D. Pierce, Superintendent Public Instruction, one half year's salary from Jan. 1 to June 30, inclusive, $1,500,		750 00
29.	Jno. Norton, jr. fiscal agent, expenses of witnesses investigating locations of northern and southern railroads, and other expenses of the legislature,	55 61	
	J. R. Bowman, as a member of House of Representatives,	15 00	
			70 61
Sept. 1.	S. W. Higgins, one quarter year's salary as topographer, ending August 31,		250 00
4.	Belah Hubbard, one quarter year's salary as sub-assistant geologist,	$200 00	
	C. C. Douglass, one quarter year's salary as sub-assistant geologist,	200 00	
	Carried forward,	$400 00	$146,715 74

	Brought forward,	$400 00	$146,715 74
Sept. 4.	Wm. P. Smith, one quarter year's salary as zoologist from June 1 to August 22,	226 00	
	D. Houghton, one quarter year's salary as Geologist ending August 31,	500 00	
			1,126 00
7.	Robert Abbott, one half year's salary as Auditor General to June 30,		250 00
8.	G. H. Bull, one quarter year's salary as minor assistant botanist, to August 31,		200 00
10.	John Norton, jr. fiscal agent, P. Morey, Attorney General, salary up to August 31, $77 76, and J. J. Adam for preparing for publication the journal of the Senate, adjourned session 1837, $150,		227 76
11.	Paid E. B. Harrington, commissioner superintending publication of the revised laws, fifty-eight days, $3 per day,		174 00
14.	Pease, Chester & Co. charges on books for state library,		2 75
19.	John Norton, jr. fiscal agent, witness fees investigating locations of northern and southern railroads,		35 81
20.	do do do	$13 31	
	Randolph Manning, repairs upon the capitol as per act April 6,	100 00	
			113 31
24.	N. H. Hart, as witness investigating railroad locations,		6 25
Nov. 13.	John Wright, botanist of the geologist department, one quarter year's salary from June 1 to Aug. 31 inclusive, $1,500,	$375 00	
	H. Howard, salary 2 months, up to Sept. 1, 1838, $500,		
	Carried forward,	$375 00	$148,851 62

	Brought forward,	$375 00	$148,851 62
	$83 34. do. one month up to Sept. 30, $800, $66 66,	150 00	
Nov. 13.	J. D. Pierce, one quarter year's salary as Superintendent Public Instruction, from July 1 to Sept. 30, $1,500,	375 00	
	Gov. Mason, one quarter year's salary to Sept. 30,	500 00	
	Geo. Morell, one fourth year's salary to Sept. 30,	375 00	
	Robert Abbott, salary 2 months as Auditor General from July 1 to Aug. 30, at $500 per annum, $83 33. do. one month at $1000, to Sept. 30, $83 33,	166 66	
	Abram Sager, one fourth year's salary as zoologist, from June 1 to Sept. 1, inclusive, $1,500,	375 00	
	Epaphs. Ransom, one fourth year's salary as associate justice, $1,500,	375 00	
	Jno. E. Schwarz, one fourth year's salary, Adjutant General, to Sept. 30,	31 25	
	Randolph Manning, one fourth year's salary as Secretary of State, from August 8, to Nov. 8, $250; less, fees collected as per ac't $3 80,	246 20	
	Alonzo Bennett, witness investigating the location of the northern and southern railroad,	18 00	
	E. Farnsworth, one fourth year's salary as Chancellor, to Sept. 30,	375 00	
	Carried forward,	$3,362 11	$148,851 62

	Brought forward,	$3,362 11	$148,851 62
Nov. 13.	Half year interest due on Palmyra and Jacksonburgh railroad state stock, Nov. 1, at Manhattan bank, N. Y.	700 00	
	D. V. Bell, one fourth year's salary as bank commissioner, from July 5, to Oct. 5, $1,250,	312 50	
	P. Raymond, witness investigating the locations of the northern and southern railroads,	8 16	
	N. Nash, do do	7 50	
	K. Pritchette, one fourth year's salary as bank commissioner, from August 7, to Nov. 7, $1,250,	312 50	
			4,702 77
	Half year's instalment interest due on $100,000 state stock, Nov. 1, 1838, at the Phœnix bank, N. Y. issued May 1, 1836,	$3,000 00	
	Three months' interest on $20,000 penitentiary state bonds issued April 1, due at Manhattan bank, interest from April 1 to July 1, 1838,	300 00	
			3,300 00
15.	Alpheus Felch, one fourth year's salary as Bank Commissioner, from Aug. 2 to Nov. 2, $1,250,		312 50
	Jno. Burch, witness investigating the location of the northern and southern railroads,		8 00
20.	S. T. King, do do do		9 62
21.	John Norton, jr. fiscal agent, for the following items,		
	W. A. Fletcher, one fourth		
	Carried forward,		$157,184 51

Brought forward,			$157,184 51
year's salary ending Sept. 30, $1,600,		400 00	
r. 21. C. C. Jackson, one fourth year's salary ending Sept. 30, $500,		125 00	
Expenses of committee investigating northern and southern railroads,		13 82	
			538 82
B. Mercer, witness in case of George Morell,			5 56
:. 3. C. C. Douglass, one fourth year's salary in geological department,		$200 00	
Belah Hubbard,	do do	200 00	
D. Houghton,	do do	500 00	
G. H. Bull,	do do	200 00	
Jno. Wright,	do do	375 00	
A. Sager,	do do	375 00	
J. T. Blois, for 300 copies Gazetteer of Michigan,		450 00	
			2,300 00
1. S. W. Higgins, one fourth year's salary ending Nov. 30, as topogragher,,			250 00
7. S. R. Wood, four days' attendance as district canvasser, from 3d to 6th Dec. inclusive, $8, and 520 miles travel, going to and coming from St. Mary's, at six and a quarter cents per mile, $65,			73 00
8. Clerk of Shiawassee county, as member of board of canvassers for third senatorial district in making returns, Dec. 1838, $7 50, and 120 miles of travel at six and a quarter cents per mile, $7 50,			15 00
Clerk of Lapeer county, services as member of board of canvassers for third senatorial district in making returns, Dec. 1838, $6, travel $4,			10 00
J. P. King, services as district canvasser			
Carried forward,			$160,376 89

	Brought forward,		$160,376 89
	for the 4th senatorial district, $14, traveling fees $2 50,		16 50
Dec. 14.	R. Abbott, postage on letters and other documents,		50 00
	Manhattan Bank, N. Y., eight months' interest from May 1 to Jan. 1, 1839, on $100,000, Detroit and Pontiac railroad state stock, 6 per cent,		4,000 00
15.	R. T. Elliott, making boxes for the Secretary of State's office,		86 20
18.	J. P. C. Emmons, for services preparing for the press and superintending the publication of the journals of the House of Representatives, with accompanying documents and index to the same,		200 00
	L. W. Bebee, services as special messenger from Detroit to the clerk's office of St. Clair county, 52 miles, 2s,		13 00
	L. W. Bebee, services as special messenger from Detroit to Hillsdale, Branch and St. Joseph counties, to obtain correct returns of votes for the representative in congress,		39 00
24.	Half year's instalment interest due Jan. 1, 1839, on $20,000 penitentiary state stock,		600 00
26.	C. C. Jackson, one quarter year's salary ending Dec. 25, as private secretary to Governor,	$125 00	
	R. P. Eldredge, witness investigating locations northern and southern railroads,	4 25	
	Treasurer Lapeer county, half bounty allowed by law for killing 55 wolves,	218 00	
			347 25
28.	Thos. Youhill, one quarter year's salary as		
	Carried forward,		$165,728 84

	Brought forward,				$165,728 84
	chief assistant zoologist from 23d Aug. to 22d Nov. inclusive, $1,000,				250 00
Dec. 31.	Gov. Mason, one fourth year's salary ending this day,			$500 00	
	Wm. A. Fletcher,	do	do	400 00	
	Geo. Morell,	do	do	375 00	
	E. Farnsworth,	do	do	375 00	
	E. Ransom,	do	do	375 00	
	H. Howard,	do	do	200 00	
	R. Abbott,	do	do	250 00	
	Jno. E. Scharwz,	do	do	31 25	
					2,506 25
	Total amount of expenditures,				$168,485 09

STATE TREASURER'S OFFICE,
Detroit, Dec. 31, 1838,

H. HOWARD, *Treasurer.*

(No. 2.)

Statement of Receipts from all sources applicable to the payment of the current expenses of the State, for the year 1838.

Statement of receipts into the Treasury of the State of Michigan, from Taxes and other general objects, during the year commencing January first, and ending December 31, 1838, *as follows:*

Jan. 2.	From Jonas H. Titus, auctioneer, Wayne county, duties on goods,	$9 13	
	Lemuel Goodell, sheriff Wayne county, licenses,	40 30	
			$49 43
10.	S. Durham, treasurer, Branch county, taxes,		200 00
11.	U. B. Couch, sheriff, Hillsdale county, licenses,		11 00
15.	Bank of Brest, one half year's tax on capital stock paid in,		75 00
	Bank of Oakland, one half year's tax on capital stock paid in,	$37 50	
	Farmers' and Mechanics' bank of Pontiac, one half year's tax on capital stock paid in,	37 50	
	Bank of Shiawassee, one half year's tax on capital stock paid in,	37 50	
	Genesee county bank, one half year's tax on capital stock paid in,	37 75	
			150 25
	Carried foward,		$485 68

Brought forward,			$485 68
Jan. 16. Bank of Saline, one half year's tax on capital stock paid in,	$75 00		
Bank of Coldwater, one half year's tax on capital stock paid in,	75 00		
			150 00
17. From Bank of Marshall, one half year's tax on capital stock paid in,	$75 00		
Caleb Bucknam, sheriff, Oakland county,	44 37		
			119 37
Bank of Oakland, one half year's tax on capital stock,	$37 50		
Detroit city bank, one half year's tax on capital stock,	150 00		
			187 50
18. Farmers' bank Genesee county, one half year's tax on capital stock,	$75 00		
E. W. Curtiss, sheriff, Ionia county, licenses,	51 00		
			126 00
22. Bank of Gibraltar, one half year s tax on capital stock,			75 00
23. Michigan state bank for this amount borrowed under resolution of legislature passed Dec. 28, 1837,	$40,000 00		
Bank of Lapeer, one half year's tax on capital stock,	37 50		
Bank of Goodrich, one half year's tax on capital stock,	75 00		
			40,112 50
24. Bank of St. Clair, one half year's tax on capital stock,			93 05
27. O. B. Hart, treasurer, Lapeer county, taxes,			32 00
29. L. Van De Walker, sheriff, Kalamazoo county, licenses,	$314 06		
Treasurer, Hillsdale county, taxes,	65 00		
Carried forward,	$379 06	$41,381 10	

	Brought forward,	$379 35	$41,381 10
Jan. 29.	J. H. Cobb, auctioneer, Wayne county, duties on goods,	67 86	
			446 92
	30. Gov. Mason, one quarter year's salary, overpaid him in year 1837,		500 00
Feb. 2.	From Merchants' bank of Jackson county, one half year's tax on capital stock,	$49 00	
	Wayne county bank, one half year's tax on capital stock,	75 00	
			124 00
	5. Lemuel Goodell, sheriff, Wayne county, licenses,		879 81
	6. H. N. Munson, deputy treasurer, St. Clair county, taxes	$124 00	
	A. B. Gibson, sheriff, Jackson county, licenses,	150 00	
	Saginaw city bank, one half year's tax on capital stock,	75 00	
			349 00
	8. O. Russ, treasurer, Jackson county, taxes,		800 00
	9. J. L. Wendell, sheriff, Monroe county, licenses,	$525 00	
	J. B. Stewart, sheriff, Branch county, licenses,	44 52	
	S. R. Smith, treasurer, Hillsdale county, taxes,	39 00	
			608 52
	12. U. B. Couch, sheriff, Hillsdale county, licenses,		55 00
	13. Geo. W. Hoffman, auctioneer, duties on goods,	$8 65	
	T. P. Sheldon, treasurer of Kalamazoo county, taxes,	250 00	
	E. A. Trumbull, sheriff, St. Joseph county, licenses,	30 00	
			288 65
	14. Amos Adams, treasurer, Livingston county, taxes,		200 00
	Carried forward,		$45,633 00

	Brought forward,		$45,633 00
	16. P. Morey, attorney general, for taxes collected,		500 00
	19. D. B. Warren, auctioneer, Lenawee county, duties on goods,		49 22
	21. H. N. Munson, deputy treasurer, St. Clair county, taxes,		476 00
	22. David Page, treasurer, Washtenaw county, taxes,		300 00
	23. From H. H. Cooledge, auctioneer, Cass county, duties on goods,		10 00
	27. Bank of Allegan, one half year's tax on capital stock,	$75 00	
	J. P. Le Roy, treasurer, Oakland county, taxes,	2,010 00	
			2,085 00
Mar.	3. T. P. Sheldon, treasurer, Kalamazoo county, taxes,	$65 00	
	R. C. Paine, treasurer, Berrien county, taxes,	1,172 00	
			1,237 00
	8. David Page, treasurer, Washtenaw county, taxes,	$93 00	
	Lemuel Goodell, sheriff, Wayne county, licenses,	381 68	
			474 68
	9. U. B. Couch, sheriff, Hillsdale county, licenses,		86 00
	10. Bank of Constantine, one half year's tax on capital stock,		50 00
	12. M. Preston, treasurer, Calhoun county, taxes,	$3,149 00	
	J. Harper, treasurer, Cass county, taxes,	790 00	
			3,939 00
	13. A. V. Sill, treasurer, St. Joseph county, taxes,	$640 00	
	P. P. Ferry, treasurer, Monroe county, taxes,	2,562 86	
	Carried forward,	$5,202 86	$54,839 90

	Brought forward,	$3,202 86	$54,839 90	
Mar. 13.	Jno. Rogers, auctioneer, Berrien county, duties on goods,	45 15		
	Mr. Furland, sheriff, Macomb county, licenses,	35 15		
			3,283 16	
16.	G. Spencer, treasurer, Wayne county, taxes,	$10,705 00		
	L. Goodell, sheriff, Wayne county, licenses,	1,075 00		
	B. F. H. Witherell, district attorney, Wayne county, collected fines,	39 00		
			11,819 69	
17.	H. N. Munson, deputy treasurer, St. Clair county, taxes,		200 00	
19.	From Joshua Bangs, treasurer, Van Buren county, taxes,	40 00		
	Jas. Stilson, auctioneer, Wayne county, duties on goods,	2 70		
			42 70	
20.	Bank of Clinton, one half year's tax on capital stock,	$100 00		
	H. Doty, auctioneer, Wayne county, duties on goods,	27 57		
			127 57	
22.	Bank of Utica, one half year's tax on capital stock,		37 50	
29.	B'k of Ypsilanti, one half year's tax on capital stock,		250 00	
28.	A. Longstreet, sheriff, Van Buren county, licenses,		79 00	
April 5.	Lemuel Goodell, sheriff, Wayne county, licenses,		164 15	
7.	Huron river bank, one half year's tax on capital stock,		75 00	
9.	J. Orr, deputy sheriff, Mackinaw county, licenses,	$60 80		
	J. L. Wendell, sheriff, Monroe county, licenses,	79 86		
	Carried forward,	$140 67	$70,918 67	

	Brought forward,	$140 66	$70,918 67
Apr. 9.	Lewis Reed, sheriff, Kent co., licenses,	102 00	
			242 66
	Palmyra and Jacksonburgh railroad company, interest on $10,000 state stock, due May 1, 1838, coupons for balance, $10,000, surrendered,		350 00
17.	U. B. Couch, sheriff, Hillsdale county, licenses,		31 00
20.	H. Chamberlin, sheriff, St. Clair county, licenses,		200 00
21.	Caleb Bucknam, sheriff, Oakland county, licenses,		691 37
24.	F. Preston, sheriff, Berrien county, licenses,		525 00
25.	R. C. Paine, treasurer Berrien county, taxes,	509 50	
	H. C. Goodrich, sheriff, Calhoun county, licenses,	182 00	
			691 50
26.	J. H. Cleveland, sheriff, Lenawee county,		480 00
30.	J. H. Cobb, auctioneer Wayne county, duties on goods,		34 23
May. 4.	Internal improvement fund, for this amount returned, under act legislature passed April 6, 1838,		80,000 00
	Wm. Tompkins, sheriff, Livingston county, licenses,		115 00
10.	U. B. Couch, sheriff Hillsdale county, licenses,	$46 00	
	R. O. Cooley, treasurer Macomb county, taxes,	1,065 00	
			1,111 00
12.	Joshua Bangs, treasurer Van Buren county, taxes,	$68 00	
	Carried forward,	$68 00	$155,390 43

	Brought forward,	$68 00	$155,390 43
May 12.	E. A. Trumbull, sheriff, St. Joseph county, licenses,	403 11	
	P. P. Ferry, treasurer Monroe county, taxes,	251 08	
	Lemuel Goodell, sheriff Wayne county, licenses,	260 80	
			982 99
15.	M. V. Hunter, sheriff Cass county, licenses,		162 00
17.	Josiah Perin, treasurer Shiawassee county, taxes,	$125 25	
	M. Winslow, treasurer Allegan county, taxes,	375 00	500 25
19.	R. C. Paine, treasurer Berrien county, taxes,		118 00
	John Murphey, sheriff of Allegan county, licenses,		69 00
28.	L. Van De Walker, sheriff of Kalamazoo county, licenses,		36 50
June 9.	H. C. Goodrich, sheriff of Calhoun county, licenses,	195 15	
	J. Harper, treasurer Cass county, taxes,	210 00	
			405 15
11.	F. Preston, sheriff Berrien county, licenses,		70 00
	J. Stilson, auctioneer Wayne county, duties on goods,		28 03
July 7.	Joseph Harper, treasurer Cass county, taxes,		123 66
10.	A. V. Sill, treasurer St. Joseph county, taxes,		152 00
11.	H. Doty, auctioneer Wayne county, duties on goods,		80 41
14.	E. N. Davenport, sheriff Saginaw county, licenses,	$74 00	
	Carried forward,	$74 00	$158,118 42

	Brought forward,	$74 00	$158,118 42
July 14.	A. V. Sill, treasurer St. Joseph county, taxes,	10 00	
			84 00
16.	Goodrich bank, half year's tax on capital stock,		75 00
20.	J. L. Wendell, sheriff Monroe county, licenses,		40 51
20.	Lemuel Goodell, sheriff Wayne county, licenses,		77 29
24.	J. P. King, clerk of Mackinaw county, licenses,	$34 18	
	Bank of Marshall, half year's tax on capital stock,	75 00	
	Bank of Singapore, half year's tax on capital stock,	37 50	
			146 68
Aug. 2.	H. Pennoyer, sheriff Ottawa county, licenses,	$26 00	
	A. Spencer, auctioneer Ionia county, duties on goods,	2 00	
	Cashier Bank of Constantine, one half year's tax on capital,	65 93	
			93 93
3.	J. H. Cobb, auctioneer Wayne county, licenses,	$13 50	
	Farmers' bank, Homer, one half year's tax on capital,	94 30	
			107 80
9.	G. D. Dolan, auctioneer Calhoun county, duties on goods,		5 00
6.	Genesee county bank, one half year's tax on capital,		37 60
11.	Commercial bank, St. Josephs, one half year's tax on capital,		37 50
13.	Bank of St. Clair, one half year's tax on capital,		117 26
16.	Merchant's bank of Jackson county, one half year's tax on capital,		49 00
	Carried forward,		$158,989 89

	Brought forward,		$158,969 89
Aug. 25.	Wm. R. Watson, auctioneer Kalamazoo county, duties on goods,		26 00
Sept. 5.	H. Pennoyer, sheriff Ottawa county, licenses,		45 00
7.	Internal improvement fund—this amount returned loaned that fund under act of legislature, passed January 30, 1838,		7,224 84
14.	Jas. Stilson, auctioneer Wayne county, duties on goods,	31 04	
	J. L. Wendell, sheriff Monroe county, licenses,	65 25	
			96 29
18.	O. B. Hart, treasurer Lapeer county, taxes,		150 00
24.	A. B. Gibson, for ten copies revised laws,		30 00
26.	M. V. Hunter, sheriff Cass county, licenses,	44 75	
Oct. 4.	H. Pennoyer, sheriff Ottawa county, licenses,	$10 00	
16.	L. Rowe, auctioneer, Lenawee county, duties on goods,	62 25	
27.	J. P. Place, sheriff Ionia county, licenses,	19 00	
Nov. 5.	J. Murphey, sheriff Allegan county, licenses,	17 00	
13.	T. Palmer, merchant's licenses,	3 87	
	Beriah Brown, auctioneer Lenawee county, duty on goods,	8 00	
	Palmyra & Jacksonburgh railroad company, to meet one half year's payment interest on $20,000 state stock, due		
	Carried forward,	$164 87	$166,562 02

	Brought forward,	$164 87	$166,562 02
	November 1, 1838, in New York,	700 00	
			864 87
Nov. 20.	Sheriff of Kent county, licenses,		35 57
	H. Doty, auctioneer Wayne county, duties on goods,		39 75
22.	A. B. Gibson, sheriff Jackson county, licenses,		24 79
24.	U. B. Couch, sheriff Hillsdale county, licenses,		15 75
27.	J. H. Cobb, auctioneer Wayne county, duties on goods,		52 67
28.	John Rodgers, auctioneer Berrien county, duties on goods,		46 00
Dec. 4.	Caleb Bucknam, sheriff Oakland county, licenses,		15 23
	A. B. Gibson, sheriff Jackson county, July 17, licenses,	$19 00	
	U. B. Couch, sheriff Hillsdale county, July 25, licenses,	25 00	
			44 00
8.	Pedlar's licenses,	$14 53	
	U. B. Couch, sheriff Hillsdale county,	6 12	
			20 65
10.	J. Harper, treasurer Cass county,		150 00
18.	Jas. Stilson, auctioneer Wayne county, duties on goods,	$20 67	
	Detroit and Pontiac railroad company, to meet interest due on $100,000 state bonds, due January 1,	4,000 00	
			4,020 67
29.	Lapeer county treasurer, balance due from that county,		46 80
31.	L. H. Lathrop, pedlar, license for year eighteen hundred and thirty-eight,		10 00
	Carried forward,		$171,948 77

	Brought forward,	$171,948 77
Dec. 31.	Messrs. Burger and Stevens, overpaid them, and refunded June 25th, 1838,	51 00
	Total amount of receipts,	$171,999 77

STATE TREASURER'S OFFICE,
Detroit, December 31, 1838.

H. HOWARD, *Treasurer.*

(No. 3.)

Quarterly account current with General Fund, year 1838.

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

1838.	For warrants paid in favor of the following persons, viz:			
Jan. 1.	To balance due the treasury by his overdraft on the Michigan state bank,			$15,067 92
	Epaphs. Ransom,			375 00
3.	J. Goodrich,			12 00
	John E. Schwarz,		$31 25	
	Wm. A. Fletcher,		400 00	
				431 25
6.	George Morell,			375 00
	K. Pritchette,			250 00
15.	D. Houghton,			6,000 00
16.	John Berry,		$39 00	
	E. Ely,		45 45	
	John Norton, jr. fiscal agent,		12,491 30	
	do.	do.	3,632 94	
				16,208 69
19.	do.	do.	$706 50	
	do.	do.	7,403 99	
	L. M. Mason,		7 06	
				8,117 55
23.	Michigan state bank,			769 31
26.	E. N. Bridges,		$250 00	
	C. C. Jackson,		125 00	
				375 00
29.	Wm. Driggs,		$4 00	
	John Norton, jr. fiscal agent,		401 00	
	do.	do.	325 00	
				730 00
	Carried forward,			$48,711 72

(No. 3.)

Quarterly account current with General Fund, year 1838.

Contra CR.

1838.	By the following sums received from the following persons, viz:			
Jan. 2.	From Jonas H. Titus,	$9 13		
	Lemuel Goodell,	40 30		
				49 43
10.	S. Durham,			200 00
11.	U. B. Couch,			11 00
15.	Bank of Brest,			75 00
	Bank of Oakland,	$37 50		
	Farmers' and Mechanics' bank, Pontiac,	37 50		
	Bank of Shiawassee,	37 50		
	Genesee county bank,	37 75		
				150 25
16.	Bank of Saline,	$75 00		
	Bank of Coldwater,	75 00		
				150 00
17.	C. Buckman,	$44 37		
	Bank of Marshall,	75 00		
				119 37
	Detroit city bank,	$150 00		
	Farmers' bank of Oakland,	37 50		
				187 50
18.	Farmers' bank of Genesee county,	$75 00		
	E. W. Curtiss,	51 00		
				126 00
22.	Bank of Gibraltar,			75 00
23.	Michigan state bank,	$40,000 00		
	Bank of Lapeer,	37 50		
	Bank of Goodrich,	75 00		
				40,112 50
	Carried forward,			$41,256 05

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

	Brought forward,		4 8,711 72
Feb.	5. H. James,		5 75
	8. K. Pritchette,		190 00
	9. L. Van Nest,	$15 00	
	George Sedgwick,	65 00	
			80 00
	18. R. Irish,		7 12
	21. F. Cowdery,		35 00
Mar.	1. Internal improvement fund,		7,224 84
	3. John Norton, jr., fiscal agent,	$230 75	
	do. do.	171 00	
	do. do.	3 00	
	do. do.	11 50	
	H. C. Bunce,	5 00	
			421 25
	6. Robert Abbott,		30 00
	14. E. Farnswoth,		375 00
	28. P. Morey,	$200 00	
	G. W. Wisner,	163 50	
	John Gallway,	2 50	
	D. Pittman,	70 00	
			436 00
Feb.	15. Thurber, Haslack & Barber, (omitted,)		9 19
Mar.	2. Wm. F. Shepard,		6 40
	31. C. H. Hooker & E. D. Lord,	$300 00	
	Thomas J. Drake,	40 00	
			340 00
			$57,782 27
	Balance as per account,		12,897 25
			$70,679 52
April	2. Jno E. Schwarz,	$31 25	
	Gov. Mason,	500 00	
			531 25
	3. George Morell,		375 00
	4. Epaph. Ransom,	$375 00	
	John Forsyth,	6 25	
	S. N. Gantt,	10 63	
			391 88
	Carried forward,		$1,298 13

Contra CR.

	Brought forward,		$41,256 05
1.	24. Bank of St. Clair,		93 05
	27. O. B. Hart,		32 00
	29. L. Van De Walker,	$314 06	
	Treasurer Hillsdale county,	65 00	
	J. H. Cobb,	67 86	
			446 92
	30. Gov. Mason,		500 00
b.	2. Merchants' bank of Jackson co.	$49 00	
	Wayne county bank,	75 00	
			124 00
	5. Lemuel Goodell,		879 81
	6. H. N. Munson,	$124 00	
	A. B. Gibson,	150 00	
	Saginaw city bank,	75 00	
			349 00
	8. O. Russ,		800 00
	9. J. L. Wendell,	$525 00	
	J. B. Stewart,	44 52	
	S. R. Smith,	39 00	
			608 52
	12. U. B. Couch,		55 00
	13. Geo. W. Hoffman,	$8 65	
	T. P. Sheldon,	250 00	
	E. A. Trumbull,	30 00	
			288 65
	14. Amos Adams,		200 00
	16. Peter Morey,		500 00
	19. D. B. Warren,		49 22
	21. H. N. Munson,		476 00
	22. D. Page,		300 00
	23. H. H. Cooledge,		10 00
	27. Bank of Allegan,	$75 00	
	J. P. Le Roy,	2,010 00	
			2,085 00
r.	3. T. P. Sheldon,	$65 00	
	R. C. Paine,	1,172 00	
			1,237 00
	Carried forward,		$50,290 22

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

	Brought forward,			$1,298 13
April	7. H. Howard,			125 00
	11. Interest on $100,000 state stock,		$3,000 00	
	E. Farnsworth,		375 00	
				3,375 00
	14. Morse & Brother,		$56 05	
	C. J. Walker,		3 00	
	Wm. A. Fletcher, $400, $375,		775 00	
	Jno. S. Bagg,		5,000 00	
	S. McKnight,		114 79	
	Jno. Norton, jr. fiscal agent,		22,279 50	
	O. Marsh,		291 00	
	Interest on Palmyra and Jacksonburgh railroad company,		350 00	
	H. A. Mansfield,		30 00	
				28,899 34
	18. Jno. Norton, jr. fiscal agent,		$8,250 51	
	do	do	1,399 50	
	do	do	326 00	
	do	do	947 81	
	do	do	1,123 26	
				12,047 08
	20. Mason & Porter,			15 00
	21. Jno. Norton, jr. fiscal agent,		$150 17	
	do	do	888 00	
	do	do	307 87	
	E. J. Roberts,		270 00	
				1,616 04
	22. Thomas Fitzgerald,			312 50
	24. John Davis,		$2 62	
	A. Fuller,		3 00	
				5 62
	25. John Norton, jr., fiscal agent, $8, $6, $35,		$49 00	
	Bethuel Farrand,		800 00	
				849 00
	26. John Gibson,			120 50
	Carried forward,			$48,663 21

Contra CR.

	Brought forward,		$50,290 22
Mar. 8.	D. Page,	$93 00	
	Lemuel Goodell,	381 68	
			474 68
9.	U. B. Couch,		86 00
10.	Bank of Constantine,		50 00
12.	M. Preston,	$3,149 00	
	J. Harper,	790 00	
			3,939 00
13.	A. V. Sill,	$640 00	
	P. P. Ferry,	2,562 86	
	Jno. Rogers,	45 15	
	Mr. Freeland,	35 15	
			3,283 16
16.	G. Spencer,	$10,705 69	
	Lemuel Goodell,	1,075 00	
	B. F. H. Witherell,	39 00	
			11,819 69
17.	H. N. Munson,		200 00
19.	Joshua Bangs,	$40 00	
	James Stilson,	2 70	
			42 70
20.	Bank of Clinton,	$100 00	
	H. Doty,	27 57	
			127 57
22.	Bank of Utica,		37 50
27.	Bank of Ypsilanti,		250 00
30.	A. Longstreet,		79 00
			$70,679 52
April 1.	By balance,		12,897 25
5.	Lemuel Goodell,		164 15
7.	Huron river bank,		75 00
9.	J. Orr,	$60 80	
	J. L. Wendell,	79 86	
	Lewis Reed,	102 00	
			242 66
	Carried forward,		$13,379 06

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

	Brought forward,		$48,663 21
Apr. 27.	Lemuel Goodell,		41 00
28.	John Norton, jr., fiscal agent,		454 19
May 4.	Michigan state bank,	$40,000 00	
	Interest on same,	825 00	
			40,825 00
	A. Felch,		312 50
11.	Field & Burch,	$40 00	
	K. Pritchette,	312 50	
	H. B. Webster,	42 95	
	John Norton, jr., fiscal agent,	282 94	
	do do	93 00	
	do do	46 43	
	do do	13 68	
			831 50
16.	A. Chandler, each, $42, $154,		196 00
18.	John Norton, jr., fiscal agent,		109 62
20.	Robert Abbott,	$25 00	
	Messrs. Dunbar,	36 00	
			61 00
21.	John Paschall,	3 56	
	John Norton, jr. fiscal agent,	13 80	
	R. Stoddard,	5 00	
			22 36
23.	George Clark,	$90 00	
	John Norton, jr. fiscal agent,	159 60	
			249 60
31.	do do		321 00
June 8.	C. C. Douglass,	$200 00	
	B. Hubbard,	200 00	
	Wm. P. Smith,	250 00	
	D. Houghton,	500 00	
	Obd. Lacy,	20 00	
	Z. Mason,	20 50	
			1,190 50
13.	Contingent fund,		2,000 00
14.	John Norton jr. fiscal agent,		97 00
15.	R. Manning,		250 00
	Carried forward,		$95,624 48

Contra CR.

	Brought forward,		$13,379 06
Apl. 14.	Palmyra & Jacksonburgh rail-road company,		350 00
17.	U. B. Couch,		31 00
20.	H. Chamberlin,		200 00
21.	C. Buckman,		691 37
24.	Fowler Preston,		525 00
25.	R. C. Paine,	$509 50	
	H. C. Goodrich,	182 00	
			691 50
27.	J. H. Cleveland,		480 00
30.	J. H. Cobb,		34 23
May 4.	Internal improvement fund,		80,000 00
	Wm. Tompkins,		115 00
10.	U. B. Couch,	$46 00	
	R. O. Cooley,	1,695 00	
			1,111 00
11.	Sheriff Kalamazoo,		314 00
12.	Joshua Bangs,	$68 00	
	E. A. Trumbull,	403 11	
	P. P. Ferry,	251 08	
	Lemuel Goodell,	260 80	
			982 99
15.	M. V. Hunter,		162 00
17.	Josiah Price,	$125 25	
	M. Winslow,	375 00	
			500 25
19.	R. C. Paine,		118 00
	John Murphy,	$10 00	
	do do	59 00	
			69 00
28.	L. Van De Walker,		36 50
June 9.	H. C. Goodrich,	$195 15	
	J. Harper,	210 00	
			405 15
11.	F. Preston,	$70 00	
	J. Stilson,	28 03	
			98 03
	Carried forward,		$100,294 08

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

	Brought forward,		$95,624 48
June 16.	A. Sager,	$375 00	
	John Wright,	375 00	
	Geo. H. Bull,	200 00	
	A. M. Gould,	19 50	
			969 50
21.	Richard Partridge,		12 00
22.	John Mulholland,		36 00
29.	Edward Mundy,		666 00
	Collins, Keese & Co.		438 46
30.	Epaphs. Ransom,	$375 00	
	H. Howard,	125 00	
	J. Pierce, May 19,	12 00	
			512 00
	Balance,		2,087 35
			$100,345 79
July 2.	Geo. Morell,	$375 00	
	John E. Schwarz,	31 25	
	Stephen Rives,	3 13	
			409 38
3.	Gov. Mason,	$500 00	
	Robert Abbott,	25 00	
			525 00
5.	John Norton, jr. fiscal agent, $7 16, $41 00,		48 16
6.	Wm. A. Fletcher,	$400 00	
	E. Farnsworth,	375 00	
	Jno. Norton, jr. fiscal agent,	577 17	
	O. D. Richardson,	25 00	
			1,377 17
13.	John Norton jr. fiscal agent		75 00
17.	Taylor, Smith and Bennett, each $12,		36 00
20.	H. Gilbert,		8 00
23.	R. Abbott,		80 00
25.	do do		75 00
Aug. 3.	E. J. Roberts,	$270 00	
	E. B. Harrington,	540 00	
			810 00
	Carried forward,		$3,438 71

Contra CR.

	Brought forward,			$100,294 08
June 20.	Burger & Stevens,			51 00
30.	Overcharge warrant, May 14,		62	
	do do 21,		9	
				71
				$100,345 79
July 1.	By balance,			2,087 35
7.	Joseph Harper,			123 66
10.	A. V. Sill,			152 00
11.	H. Doty,			80 41
14.	E. N. Davenport,	$74 00		
	A. V. Sill,	10 00		
				84 00
16.	Bank of Goodrich,			75 00
20.	Lemuel Goodell,			77 29
	J. L. Wendell,			40 51
24.	J. P. King,	34 18		
	Bank of Marshall,	75 00		
	Bank of Singapore,	37 50		
				146 68
Aug. 2.	H. Pennoyer,	$26 00		
	A. Spencer,	2 00		
	Constantine bank,	65 93		
				93 93
3.	J. H. Cobb,	$13 50		
	Farmers' Bank of Homer,	94 30		
				107 80
9.	G. Dunbar,			5 00
	Genesee county bank,			37 50
11.	Commercial bank St. Joseph,			37 50
	Bank of St. Clair,			117 26
16.	Merchants' bank of Jackson county,			49 00
25.	Wm. R. Watson,			26 00
Sept. 4.	H. Pennoyer,			45 00
7.	Internal improvement fund,			7,224 84
14.	James Stilson,	31 04		
	Carried forward,	$31 04		$10,610 73

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

	Brought forward,		$3,428 71
Aug. 6.	Thomas Fitzgerald,		267 35
10.	A. Felch,	$312 50	
	K. Pritchette,	312 50	
	R. Manning,	250 00	
			875 00
11.	W. T. House,		14 00
13.	J. P. Richardson,	$1 50	
	R. R. Billings,	3 50	
			5 00
14.	S. Poupard,		7 52
15.	T. Emerson,		12 00
	R. W. Ingalls,		3 00
18.	R. Abbott,		25 00
21.	John Norton, jr. fiscal agent,		25 47
	J. D. Pierce,		750 00
29.	John Norton, jr. fiscal agent,	$55 61	
	J. R. Bowman,	15 00	
			70 61
Sept. 1.	S. W. Higgins,		250 00
4.	B. Hubbard,	$200 00	
	C. C. Douglass,	200 00	
	W. P. Smith,	226 00	
	D. Houghton,	500 00	
			1,126 00
7.	R. Abbott,		250 00
8.	G. H. Bull,		200 00
10.	John Norton, jr. fiscal agent,		227 96
11.	E. B. Harrington,		174 00
14.	Pease, Chester & Co.,		2 75
19.	John Norton, jr. fiscal agent,		35 81
20.	John Norton, jr. fiscal agent,	$13 31	
	Randolph Manning,	100 00	
			113 31
24.	N. H. Hart,		6 25
30.	Balance,		3,051 28
			$10,931 02

Contra CR.

	Brought forward,		$31 04	$10,610 73
Sept. 14.	J. L. Wendell,		65 25	
				96 29
18.	O. B. Hart,			150 00
24.	A. B. Gibson,			30 00
	do do July 17, 1838,		$19 00	
	U. B. Couch, July 25, 1838,		25 00	
				44 00
Aug. 9.	G. Dunbar,			5 00
13.	Genesee county bank,			37 50
				$10,931 02
Oct. 1.	By balance,			3,051 28
Nov. 13.	M. V. Hunter,		$44 75	
	H. Pennoyer,		10 00	
	L. Rowe,		62 25	
	J. P. Place,		19 00	
	J. Murphy,		17 00	
	T. Palmer,		3 87	
	Beriah Brown,		8 00	
	Palmyra & Jacksonburgh railroad company,		700 00	
				864 87
20.	Sheriff of Kent county,			35 57
21.	H. Doty,			39 75
22.	A. B. Gibson,			24 79
24.	U. B. Couch,			15 75
27.	J. H. Cobb,			52 67
28.	Jno. Rogers,			46 00
Dec. 4.	Caleb Bucknam,			15 23
8.	Pedlars' licenses,		$14 53	
	U. B. Couch,		6 12	
				20 65
10.	J. Harper,			150 00
18.	Pontiac railroad company,		$4,000 00	
	J. Stilson,		20 67	
				4,020 67
22.	Overcharge Sept. 10, on warrant to J. Norton, jr.			20
29.	Treasurer Lapeer county,			46 80
	Carried forward,			$8,384 23

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

Nov. 13.	John Wright,	$375 00		
	H. Howard,	150 00		
	J. D. Pierce,	375 00		
	S. T. Mason,	500 00		
	Geo. Morell,	375 00		
	R. Abbott,	166 66		
	A. Sager,	375 00		
	Ephs. Ransom,	375 00		
	John E. Schwarz,	31 25		
	Randolph Manning,	246 20		
	Alonzo Bennett,	18 00		
	Manhattan bank, interest on stock,	700 00		
	D. V. Bell,	312 50		
	P. Raymond,	8 16		
	N. Nash,	7 50		
	K. Pritchette,	312 50		
	E. Farnsworth,	375 00		
				4,702 77
	Interest on $100,000 state stock,	$3,000 00		
	do 20,000 do. do. 3 mos.	300 00		
				3,300 00
15.	A. Felch,			312 50
16.	John Burch,			8 00
20.	S. T. King,	$9 62		
	L. Van De Walker, over credit this amount,	314 00		
				323 62
21.	John Norton, jr. fiscal agent,	$538 82		
	B. Mercer,	5 56		
				544 38
Dec. 3.	C. C. Douglass,	200 00		
	B. Hubbard,	200 00		
	D. Houghton,	500 00		
	G. H. Bull,	200 00		
	Jno. Wright,	375 00		
	A. Sager,	375 00		
	Carried forward,	$1,850 00		$9,191 27

Contra CR.

Brought forward,	$8,384 23
Carried forward,	$8,384 23

DR. *State of Michigan in general account with Henry Howard, Treasurer.*

	Brought forward,	$1,850 00	$9,191 27
	Jno. T. Blois,	450 00	
			2,300 00
Dec.	7. S. R. Wood,		73 00
	8. O. H. Hart,	10 00	
	A. Parsons,	15 00	
	J. P. King,	16 50	
			41 50
	14. Robert Abbott,	$50 00	
	Manhattan bank, int. on $100,000,	4,000 00	
			4,050 00
	15. Robert T. Elliott,	$86 20	
	L. W. Bebee,	39 00	
			125 20
	18. J. P. C. Emmons,	$200 00	
	L. W. Bebee,	13 00	
			213 00
	20. S. W. Higgins, Dec. 1,		250 00
	24. Int. on penitentiary state stock,		600 00
	26. C. C. Jackson,	$125 00	
	R. P. Eldredge,	4 25	
	Treasurer Lapeer county,	218 00	
			347 25
	28. Thomas Youhill,		250 00
	31. Gov. Mason,	$500 00	
	Wm. A. Fletcher,	400 00	
	Geo. Morell,	375 00	
	E. Farnsworth,	375 00	
	E. Ransom,	375 00	
	H. Howard,	200 00	
	R. Abbott,	250 00	
	J. E. Schwarz,	31 25	
			2,506 25
			$19,947 47
	31. To balance,		$11,558 24

STATE TREASURER'S OFFICE,
Detroit, Dec. 31, 1838.

H. HOWARD, *Treasurer.*

Contra CR.

Brought forward,		$8,384 23
Dec. 31.	L. H. Lathrop,	10 00
	Balance,	11,553 24
		$19,947 47

(No. 4.)

An account current with the Sinking Fund, year 1838.

DR. *Sinking Fund in account with Henry Howard, Treasurer.*

1838.		
June 18.	To Cash remitted cashier Phœnix bank, N. Y. to meet half yearly instalment of interest due July 1, 1838, on $200,000 Michigan state stock sold O. Newberry, at 6 per cent per annum, is	$6,000 00
Dec. 31.	Paid half year's instalment interest on $200,000 state stock issued O. Newberry, part of the five million loan,	6,000 00
21.	Balance,	80,562 45
		$92,562 45

Contra CR.

1838.			
Jan'y 6.	By cash of H. K. Sanger, cashier bank of Michigan, 6 per cent premium on Gov. Mason's draft on New York for $60,000,	3,600 00	
	Cash received of Jno. Norton, jr., cashier of the Michigan state bank, 6 per cent premium, on Gov. Mason's draft for $60,000 on New York,	3,600 00	
	Cash received of Michigan state bank, balance of interest on internal improvement fund, up to Jan'y 1, 1838,	6,255 05	
			13,455 05
	Cash as follows: received of A. T. Hall and Thomas Clark, collectors of tolls on the central railroad, at Detroit and Ypsilanti, viz:		
May 31.	Of Amos T. Hall, Detroit,		2,869 03
June 6.	do do		1,280 94
8.	Thomas Clark, Ypsilanti,		1,246 69
13.	A. T. Hall,	$1,143 24	
	Thos. Clark,	1,620 93	
			2,764 17
20.	do do	$1,206 36	
	A. T. Hall,	1,122 43	
			2,328 79
28.	do		1,038 00
29.	Thomas Clark,		1,491 21
July 4.	do do		1,041 83
5.	A. T. Hall,		1,014 69
11.	do do	$928 32	
	Thos. Clark,	1,077 08	
			2,005 40
18.	A. T. Hall,	$865 49	
	Carried forward,	$865 49	$30,535 80

Contra CR.

	Brought forward,		$865 49	$30,535 80
July 18.	Thos. Clark,		862 09	
				1,727 58
25.	A. T. Hall,		$772 77	
	Thos. Clark,		719 00	
				1,491 77
Aug. 3.	A. T. Hall,			502 98
8.	do do		$668 73	
	Thos. Clark,		563 29	
	do do		912 56	
				2,144 58
15.	A. T. Hall,		$736 91	
	Thos. Clark,		824 50	
				1,561 41
22.	A. T. Hall,		$722 51	
	Thos. Clark,		845 95	
				1,568 46
29.	A. T. Hall,			678 95
31.	Thos. Clark,			824 24
Sept. 5.	A. T. Hall,		$800 85	
	Thos. Clark,		974 25	
				1,775 10
12.	A. T. Hall,		$1,116 79	
	Thos. Clark,		1,082 57	
				2,199 36
19.	Cash received of Oliver Newberry, being balance of interest on $200,000 state bonds up to July 1, 1838,		2,250 00	
	Six per cent premium on do.		12,000 00	
	Interest on $50,000 from July 1,		675 00	
Nov. 13.	The following sums received of Clark and Hall, collectors of tolls on central railroad :			
	A. T. Hall,			1,105 98
	Thomas Clark,	$1,234 07		
	do do	1,010 38		
	do do	1,435 30		
	Carried forward,	$3,679 75	$14,925 00	$46,116 21

Contra CR.

	Brought forward,	$3,679 75	$14,925 00	$46,116 21
Nov. 13.	Thomas Clark,	1,469 57		
	do do	1,488 99		
	do do	1,577 53		
	do do	1,966 54		
	do do	1,358 95		
				11,541 33
	Cash received of A. T. Hall, from September 26 to Nov. 7, inclusive, the following sums :			
Sept. 26.		$1,136 83		
Oct. 9.		1,234 28		
17.		1,087 36		
3.		1,280 92		
24.		1,304 00		
Nov. 1.		1,348 66		
7.		1,066 54		
				8,458 59
15.	Of Thos. Clark,			1,314 21
16.	Amos T. Hall,			1,097 86
21.	do do			869 90
22.	Thomas Clark,			1,299 71
	Of Bank of Ypsilanti, interest on money deposited in that bank,		205 00	
28.	Of A. T. Hall,			911 95
29.	Thomas Clark,			951 63
Dec. 6.	do do	1,117 64		
	A. T. Hall,	615 33		
				1,732 97
11.	do do			552 53
13.	Thomas Clark,			778 32
20.	do do	593 70		
	A. T. Hall,	372 21		
				965 91
26.	do do			415 59
	Carried forward,		$15,130 00	$77,106 80
July 18.	Add error,		$100 00	
	do do		09	

Contra CR.

Brought forward	$77,106 80
Thomas Clark,	325 65
	$77,432 45
Add	15,130 00
	$92,562 45
Dec. 31. By balance of account,	$80,562 45

STATE TREASURER'S OFFICE,
Detroit, Dec. 31, 1838.

H. HOWARD, *Treasurer.*

(No. 5.)

An account current with the Contingent Fund, year 1838.

DR. *Contingent Fund in account with Henry Howard, Treasurer.*

1838.			
Jan. 6.	To paid S. McKnight's account, postage,		$301 39
17.	Detroit iron company's account, letter press for secretary of state's office,		100 00
Feb. 15.	Dr. Spring's account, expenses transporting state bonds to New-York,		80 00
Mar. 4.	Robert Abbott's account, wood for office,		27 50
10.	P. Morey, Attorney General's account,		123 00
April 18.	S. McKnight's account, postage,		102 79
Mar. 13.	P. Morey, attorney general's account,		131 75
25.	Burger & Stevens' account,	$47 38	
	Geo. Coombs' account,	19 43	
			66 81
June 30.	Detroit hydraulic account,		15 00
July 7.	S. McKnight's post office account,		69 42
17.	Jno. Greenfield's account, pursuing and apprehending fugitives from justice,		200 00
Aug. 3.	Morse & Brother's account,		12 25
15.	C. Clark's account,		2 00
29.	Burger and Stevens' account,		12 00
Sep. 8.	R. Manning's account,	$15 37	
	George Beatty's account,	60 00	
			75 37
	Carried forward,		$1,319 28

1837.	*Contra* CR.	
Dec. 31.	By balance on hand this day,	$753 94
1838.		
June 13.	This amount appropriated by act 23d March, 1837,	2,000 00
		$2,753 94
Dec. 31.	By balance,	$1,022 16

STATE TREASURER'S OFFICE,
Detroit, December 31, 1838.

H. HOWARD, *Treasurer.*

DR. *Contingent fund in account with Henry Howard, Treasurer.*

	Brought forward,	$1,319 38
	19. J. A. Armstrong's account,	175 00
Dec.	7. L. Bebee's account,	8 00
	17. S. McKnight's postage account, executive office,	174 13
	S. McKnight's postage account, secretary of state's office,	55 37
	31. Balance,	1,022 16
		$2,753 94

(No. 6.)

An account current with the Penitentiary Fund, year 1838.

DR. *Penitentiary Fund. in account with Henry Howard, Treasurer.*

1838.		
May	9. To paid warrant from Benjamin Porter, commissioner,	$5,000 00
June	22. do. do. A. B. Gibson, do.	1,500 00
July	20. do. do.	8,400 00
Aug.	17. B. Porter, commissioner,	5,000 00
Nov.	13. A. B. Gibson,	953 34
		$20,853 34

(No. 7.)

Account current with the Ypsilanti and Tecumseh Railroad Company, 1838.

DR. *Ypsilanti and Tecumseh railroad company in account with Henry Howard, Treasurer.*

1838.		
Sep.	18. To amount paid S. Blanchard, president and authorized agent of the company, as per warrant and his receipt,	$60,000 00
		$60,000 00

1838.	*Contra* CR.		
June 29.	By this amount state bonds issued April 1st, 1838, in pursuance of an act of the legislature, approved March 22, 1838, authorizing the building of state penitentiary,	$20,000 00	
	Three per cent premium received on sale of same,	600 00	
	Seventy-six days' interest, from April 1 to June 15, 1838, six per cent,	253 34	
			20 853 34
			$20,853 34

STATE TREASURER'S OFFICE, *Detroit, December* 31, 1838.

H. HOWARD, *Treasurer.*

1838.	*Contra* CR.	
Aug. 6.	By this amount received from sale of state stocks,	50,000 00
11.	do do	10,000 00
		$60,000 00

STATE TREASURER'S OFFICE, *Detroit, December* 31, 1838.

H. HOWARD, *Treasurer.*

(No. 8.)

Account with the Allegan and Marshall Railroad Company, 1838.

CR. *Allegan and Marshall railroad company in account with Henry Howard, Treasurer.*

1838.		
Aug. 6.	By amount received from sale of state stocks,	$50,000 00
Aug. 11.	From sale of state stocks,	10,000 00
	On hand,	$60,000 00

STATE TREASURER'S OFFICE, *Detroit, December* 31, 1838.

H. HOWARD, *Treasurer.*

(No. 9.)

A statement of Bank Fund, year 1838.

DR. *H. Howard, Treasurer, in account with Bank Fund.*

1837.			
Dec. 31.	To balance on hand this day,		$145 14
1838.			
Jan. 15.	Cash received of bank of Oakland,	$24 05	
	Farmers' and Mechanics' bank of Pontiac,	1 23	
	Genesee county bank,	1 70	
	Bank of Brest,	75 00	
			101 98
16.	Bank of Saline,	12 74	
	Bank of Coldwater, .	9 00	
			21 74
17.	Bank of Marshall,	27 94	
	Detroit city bank,	4 10	
	Farmers' bank of Oakland,	1 23	
			33 27
23.	Bank of Lapeer,	5 13	
	Bank of Goodrich,	8 65	
			13 78
24.	Bank of St. Clair,		143 28
Feb. 2.	Wayne county bank,		7 80
5.	Saginaw city bank,		2 05
Mar. 22.	Bank of Utica,		23 21
10.	Bank of Gibraltar,		150 00
26.	Bank of Ypsilanti,	414 38	
	Farmers' bank of Homer,	188 92	
			603 30
April 5.	Bank of Constantine,		65 83
			$1,311 38

1838.	*Contra* CR.	
Jan. 13.	By cash paid J. M. Burger, printing bonds and mortgages for use of the bank commissioners,	51 00
	Due the bank fund,	$1,260 38

(No. 10.)

An account current with the Internal Improvement Fund, year 1838.

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

1838.			
	For paying the following warrants, viz:		
Jan'y 4.	To A. H. Adams,	$167 85	
	James B. Hunt, acting commis.	50,000 00	
			50,167 85
8.	Justus Burdick, do do	267 00	
	D. C. McKinstry, do do	267 00	
			534 00
19.	Jno. M. Barbour, do do	285 00	
	D. C. McKinstry, do do	24,187 34	
			24,472 34
23.	James B. Hunt, do do		30,000 00
26.	Gardner D. Williams, do		189 00
Feb'y 9.	D. C. McKinstry, acting do		3,611 62
21.	Hart L. Stewart, do do		309 00
Mar. 1.	L. S. Humphrey, do do	2,224 84	
	Jas. B. Hunt, do do	5,000 00	
	Kintzing Pritchette,	100 60	
			7,325 44
9.	L. S. Humphrey, acting com.		10,000 00
26.	Theo. Romeyn,	$10,000 00	
	do do	1,800 00	
			11,800 00
28.	J. L. King,		25 75
31.	Bank of Gibraltar,		7,800 00
April 4.	Joshua Howard,	400 00	
	A. H. Adams,	6 00	
			406 00
7.	James B. Hunt, acting commis.		20,000 00
19.	D. C. McKinstry, two warrants,		372 96
20.	Sheldon McKnight,	22 73	
	H. L. Stewart, commissioner,	330 00	
	James B. Hunt, acting do.	30,000 00	
	Carried forward,	$30,352 73	$167,013 96

Contra CR.

1837			
Dec. 31.	By cash on hand this day,		$80,543 55
1838.			
Jan'y 1.	Cash received of Oliver Newberry on his contract with Gov. Mason for $500,000 of the five million loan,		30,000 00
6.	Gov. Mason's draft on Jno. Delafield, New York, favor of H. K. Sanger, cashier of bank of Michigan, on acc't five million loan,	$60,000 00	
	Gov. Mason's draft on John Delafield, New York, favor of John Norton, jr. cashier Michigan state bank,	90,000 00	
			150,000 00
Febr'y 6.	Cash received of Oliver Newberry, on his contract,		81,000 00
23.	do do do		50,000 00
March 1.	Cash received of general fund loaned to this fund by act of legislature, approved January 30, 1838,		7,224 84
May 19.	Cash received of Gov. Mason, deposite made in City bank, New York, to the credit of Michigan state bank, on acc't of five million loan,		80,000 00
Aug. 1.	Gov. Mason five several drafts on the Morris canal and banking company, at 90 days' date, favor Jno. Norton, jr. cashier Michigan state bank, viz:		
	One draft for	$25,000 00	
	do do	50,000 00	
	do do	75,000 00	
	do do	50,000 00	
	do do	50,000 00	
			250,000 00
	Carried forward,		$728,768 39

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

	Brought forward,	$30,352 73	$167,013 96	
April 20.	Justus Burdick, commissioner,	273 17		
	A. H. Adams,	100 00		
	Levi S. Humphrey, acting com.,	20,000 00		
	D. C. McKinstry, do do	981 15		
			51,707 05	
28.	Douglass Houghton, Geologist,		1,500 00	
May 4.	H. Howard, Treasurer, to credit of general fund,		80,000 00	
12.	Horace Heath,	$570 00		
	L. W. Osgood,	50 00		
	John Gilbert,	774 09		
			1,394 09	
	Conrad Ten Eyck,		6,000 00	
16.	Jason C. Gilbert,	$50 12		
	Marcus Lane,	10 00		
	Royal Ballow,	70 00		
			130 12	
18.	Benjn. L. King,		75 00	
20.	Edwin H. Lothrop,	$1,000 00		
	William Steers,	4 00		
			1,004 00	
21.	John Van Fossen,		50 00	
22.	Wm. A. Burt, acting commis.,	$5,000 00		
	Jacob Dix,	2 00		
			5,002 00	
23.	J. M. Hume,	$5 00		
	D. Thompson,	18 00		
	John Norton, jr.	307 80		
			330 80	
26.	James M. Wightman,	$5 00		
	Benjamin Cotton,	5 00		
	Samuel C. Dix,	2 00		
	Jno. Knider,	20 00		
			32 00	
23.	Samuel Torbet,	$15 00		
	Lewis C. Mills,	70 00		
	Hosea Gage,	76 72		
	Carried forward,	$161 72	$314,239 02	

Contra CR.

	Brought forward,		$250,000 00	$478,768 39
Aug. 1.	Deduct the following:			
	Placed to the credit of the Allegan and Marshall railroad company,	50,000 00		
	Placed to the credit of the Ypsilanti and Tecumseh railroad company,	50,000 00	100,000 00	
				150,000 00
11.	Gov. Mason's draft on the Morris canal and banking company at 90 days' date from Sept. 1, 1838, payment due that day on contract with the state five million loan,		$100,000 00	
	Deduct the following:			
	Placed to the credit of the Allegan and Marshall railroad company,	$10,000,		
	Placed to the credit of the Ypsilanti & Tecumseh railroad company,	10,000		
			20,000 00	
	To the credit of the internal improvement fund,			80,000 00
Sept. 18.	United States treasury draft on the bank of America, New York, being 5 per cent on the sale of government lands in this state for the 3d and 4th quarters of the year 1837, and 1st quarter of the year 1838,			4,994 96
	Gov. Mason's four several drafts on the Morris canal and banking company favor John Norton, jr. cashier Michigan state bank, at 90 days date, Oct. 1, 1838, for			
	Carried forward,			$713,763 35

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

	Brought forward,	$161 72	$314,239 02	
May 23.	Samuel Sims,	159 56		
			321 28	
June 2.	P. O. Whitman,	$148 65		
	Chas. Noble,	332 52		
	Mark Norris,	295 08		
			776 25	
4.	Charles Davis,	$100 00		
	Titus Dort,	22 50		
			122 50	
7.	D. C. McKinstry,	$5,833 20		
	Lansing B. Mizner, acting commissioner,	5,000 00		
			10,833 20	
9.	John R. Williams,		32 50	
11.	Wm. Woodbridge,	$90 00		
	J. & R. Geddes,	80 88		
			170 88	
15.	Samuel Knickerbocker,		70 00	
22.	Wm. F. Sheldon,		248 56	
26.	Burger & Stevens,		49 75	
28.	Hiram Alden, acting commis.	$5,000 00		
	do do do do	7,500 00		
	Edwin H. Lothrop, do	352 10		
			12,852 10	
July 3.	Stevens T. Mason,	$427 00		
	A. T. Hall,	27 00		
			454 00	
5.	Gideon Paull,	$22 50		
	J. N. Horner,	45 00		
	Ezra A. Lay,	80 18		
			147 68	
6.	Rix Robinson, acting commis.,	$5,000 00		
	James B. Hunt, do do	5,000 00		
			10,000 00	
7.	Robert Abbott,	$100 00		
	Jacob Emerick,	195 90		
	Hiram Alden, acting commis.	5,000 00		
			5,295 90	
	Carried forward,		$355,613 62	

Contra CR.

	Brought forward,		$713,763 35
	the sum of $25,000 each, being in full of instalment due from said company on Oct. 1, contract with the state for five million loan.		100,000 00
19.	Cash received of Oliver Newberry, being in full of $200,000 state bonds retained by him on his contract with the state for $500,000 of the five million loan,		39,000 00
Nov. 13.	Gov. Mason's five several drafts on the Morris canal and banking company favor Michigan state bank at ninety days' date from Nov. 1, 1838, being in full of instalment due from said company on Nov. 1, on contract with the state for five million loan,		100,000 00
June 13.	By bills of Morris canal and banking, part of five million loan,		10,397 70
Dec. 11.	Gov. Mason's ten several drafts on the Morris canal and banking, favor of Michigan state bank, at ninety days' date, from December, 1838, in full of payment due at that date on Michigan state loan,		100,000 00
	The following accounts paid out of the principal of this fund, and received of Gov. Mason as cash, viz:		
	Prime, Ward & King's account,	$8,963 30	
	John Delafield's account,	639 00	
			9,602 30
	Cash received of Gov. Mason, in bills of the Morris canal		
	Carried forward,		$1,072,763 35

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

	Brought forward,		$355,613 62
July	13. Charles Harrison,	$32 14	
	John Down,	5 00	
	Hiram Alden,	104 17	
			141 31
	14. John Flynn,		10 00
	25. James Loomis,		149 66
	26. Levi S. Humphrey, acting commissioner, four warrants,		20,000 00
Aug.	3. Hiram Alden, acting commis.,		5,000 00
	4. E. A. Mather,	$1,350 04	
	6. L. S. Humphrey, do do	1,250 00	
	L. S. Humphrey, do do	10,000 00	
	Hiram Alden, do do	5,000 00	
			17,600 04
	14. A. H. Adams,	$333 33	
	H. Alden,	104 17	
			437 50
	15. Morrison Clark,		6 04
	16. Douglass Houghton, Geologist,		1,500 00
	17. Hiram Alden, acting commis.,		2,613 27
	18. do do do do	$329 40	
	do do do do	682 31	
			1,011 71
	22. Amos T. Hall,		250 00
	25. Hiram Alden, acting commis.,		364 36
	31. Samuel Clements,	$350 00	
	Hiram Alden, acting commis.,	5,000 00	
			5,350 00
Sept.	1. do do do do	$3,192 09	
	Thomas Clark,	225 00	
			3,417 09
	5. Wm. A. Burt, acting commis.,	$5,000 00	
	J. S. & S. A. Bagg,	256 09	
	Hiram Alden, acting commis.,	5,000 00	
	do do do do	722 55	
	Royal Ballow,	135 00	
			11,113 64
	Carried forward,		$424,578 24

Contra CR.

	Brought forward,		$1,072,763 35
	and banking company, to apply on the January, 1839, payment, on account of Michigan state loan,		100,000 00
Dec. 11.	The following, to apply on the February, 1839, payment, on account of Michigan state loan, viz: bills of the Morris canal and banking company,	95,370 00	
	Gov. Mason's draft on said company, at 90 days from February 1, 1839,	4,580 00	
	Gov. Mason's check on the Michigan state bank,	50 00	
			100,000 00
			1,272,763 35
Dec. 31.	By balance,		$585,986 68

STATE TREASURER'S OFFICE,
Detroit, December 31, 1838.

H. HOWARD, *Treasurer.*

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

	Brought forward,			$424,578 24
Sept.	7. H. Howard, Treasurer, to credit of general fund,	$7,224 84		
	Benjamin F. Brown,	15 00		
	Wm. A. Burt, acting commis.,	419 14		
				7,658 98
	8. Jno. S. & S. A. Bagg,			14 50
	10. H. Alden, acting commis.,			312 68
	11. Rix Robinson, do do	$5,000 00		
	do do do do	412 69		
	Edwin H. Lothrop, do	72 00		
	James B. Hunt, do	312 50		
				5,797 19
	12. Post office city of Detroit,			28 60
	14. Hiram Alden, acting commis.,	$104 17		
	do do do do	5,000 00		
	John J. Bardwell,	2,000 00		
	Bardwell & Ingalls,	4,000 00		
				11,104 17
	19. J. B. Hunt, acting commis.,	$5,000 00		
	Hiram Alden, do do	137 88		
				5,137 88
	22. A. H. Adams,	$83 33		
	Hiram Alden, acting commis.,	1,642 93		
				1,726 26
Nov.	13. J. B. Hunt, acting commis.,	$1,000 00		
	do do do do	1,000 00		
	H. Alden, do do	5,000 00		
	do do do	2,423 70		
	do do do	5,000 00		
	do do do	1,129 36		
	do do do	231 46		
	Robert Abbott,	100 00		
	Levi S. Humphrey, acting commissioner, eight warrants, $5,000 each,	40,000 00		
	Wm. A. Burt, acting commis.,	104 17		
	Hiram Alden, do do	5,000 00		
	Carried forward,	$60,988 69	$456,358 50	

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

	Brought forward,	$60,988 69	$456,358 50
Nov. 13.	H. Alden, acting commis.,	318 42	
	do do do do	104 17	
	A. H. Adams,	63 33	
	H. Alden, acting commissioner,	80 00	
	do do do	1,825 92	
	J. B. Hunt, do do	208 33	
	J. S. & S. A. Bagg,	28 00	
	L. S. Humphrey, 5 warrants of $5,000 each,	25,000 00	
	H. Alden, acting commissioner,	346 19	
	J. Charbeno,	125 00	
	Rix Robinson,	5,000 00	
	E. H. Lothrop,	63 00	
	James B. Hunt, acting commis.,	3,000 00	
	Luther Dean,	40 00	
	Joel A. Collier,	25 00	
	Hiram Alden, acting commis.,	923 45	
	do do do do	5,000 00	
	do do do do	502 76	
	A. H. Adams,	83 34	
	Wm. A. Burt, acting commissioner,	5,000 00	
	Wm. A. Burt, acting commissioner,	104 17	
	Hiram Alden, acting commissioner,	2,338 16	
	Hiram Alden, acting commissioner,	5,000 00	
	Hiram Alden, acting commissioner,	179 51	
			116,347 44
16.	Hiram Alden, acting commissioner,	5,000 00	
	Hiram Alden, acting commissioner,	104 17	
			5,104 17
	Carried forward,		$577,810 11

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer.*

	Brought forward,			$577,810 11
Nov. 20.	A. T. Hall,	$250 00		
	A. Clawson,	72 18		
				322 18
21.	H. Alden, acting commissioner,			181 16
30.	Levi S. Humphrey, acting commissioner, nine warrants of $5,000 each,	$45,000 00		
	John Pleus,	5,000 00		
	H. Alden, acting commissioner,	245 34		
				50,245 34
	James B. Hunt, acting commissioner,	$1,000 00		
	James B. Hunt, acting commissioner,	5,000 00		
	James B. Hunt, acting commissioner,	90 48		
				6,090 48
Dec. 3.	A. H. Adams, secretary board commissioners,	$1,635 54		
	A. H. Adams, secretary board commissioners,	1,305 25		
	A. H. Adams, secretary board commissioners,	1,611 42		
				4,552 21
4.	A. H. Adams, secretary board commissioners,	83 32		
	A. H. Adams, secretary board commissioners,	6,051 36		
	D. C. McKinstry,	2,006 35		
	Wm. A. Burt, acting commissioner,	5,000 00		
	Wm. A. Burt, acting commissioner,	104 17		
	A. H. Adams, secretary board commissioners,	66 98		
	Carried forward,	$13,312 18		$639,201 48

DR. *Internal Improvement Fund in account with Henry Howard, Treasurer*

	Brought forward,	$13,312 18	$639,201 48
Dec. 4.	A. H. Adams, secretary board commissioners,	133 52	
			13,445 70
	Keeney & Mullet,		2,079 27
7.	J. Eldred & Son,		987 52
	A. H. Adams, secretary board commissioners,	414 15	
	A. H. Adams, secretary board commissioners,	222 43	
	A. H. Adams, secretary board commissioners,	218 98	
	Prime, Ward & Co. on account,	8,963 30	
	Jno. Delafield, on account,	639 00	
			10,457 86
14.	A. H. Adams, secretary board commissioners,	$2,356 46	
	Thomas Clark,	225 00	
	D. C. McKinstry,	255 00	
			2,836 46
15.	A. H. Adams, secretary board commissioners,	$1,135 60	
	A. H. Adams, secretary board commissioners,	1,508 39	
			2,643 99
18.	George A. Turner,	$100 50	
	James B. Hunt, acting commissioner,	5,000 00	
	James B. Hunt, acting commissioner,	104 16	
			5,204 66
22.	Titus Dort,		15 00
24.	A. H. Adams, secretary board commissioners,	166 38	
	A. H. Adams, secretary board commissioners,	300 37	
			436 75
	Carried forward,		$677,338 69

DR. *Internal Improvement Fund in account with Henry Howard; Treasurer.*

	Brought forward,		$677,338 69
Dec. 29.	Rix Robinson, acting commissioner,	$5,000 00	
	A. H. Adams, secretary board commissioners,	1,195 04	
	A. H. Adams, secretary board commissioners,	201 93	
			6,396 97
31.	A. H. Adams, secretary board commissioners,		3,041 01
	Balance,		585,986 68
			$1,272,763 35

(No. 11.)

Summary statement of funds on hand and to what accounts they stand due, year 1838.

DR. *Summary statement of funds on hand in the State Treasury, and to what accounts they stand due.*

Bank fund,	$1,260 38
Cash,	720,097 47
Michigan state bank overdraft,	11,553 24
	$732,911 09

Contra CR.

Calhoun county bank,	96 19
Erie and Kalamazoo railroad bank,	28 03
Bank of St. Clair,	138 10
Ypsilanti bank,	413 18
Bank of Brest,	72 08
Bank of Oakland,	23 12
Farmers' and Mechanics' bank, Pontiac,	1 18
Genesee county bank,	1 63
Bank of Saline,	12 25
Bank of Coldwater,	8 65
Bank of Marshall,	26 86
Detroit city bank,	3 94
Farmers' bank of Oakland,	1 18
Bank of Lapeer,	4 93
Bank of Goodrich,	8 31
Wayne county bank,	7 48
Saginaw city bank,	1 97
Bank of Gibraltar,	144 16
Bank of Utica,	22 31
Farmers' bank of Homer,	181 56
Bank of Constantine,	63 27
Amount of bank fund,	1,260 38
Sinking fund,	80,562 45
University and primary school fund,	3,817 71
Contingent fund,	1,022 16
Internal improvement fund,	585,986 68
Allegan and Marshall railroad company,	60,000 00
University fund,	261 71
	$732,911 09

STATE TREASURER'S OFFICE,
Detroit, December 31, 1838.

H. HOWARD, *Treasurer.*

(No. 12.)

Statement of moneys received on account sales of Michigan state bonds, and how applied, year 1838.

Statement of moneys received on account sale of Michigan state bonds, and how applied.

1838.					
Jan.	6.	From Gov. Mason two drafts on John Delafield,			$150,000 00
	3.	Oliver Newberry on his contract,		$30,000 00	
Feb.	6.	do	do	81,000 00	
	24.	do	do	50,000 00	
Sept.	19.	do	do	39,000 00	
					200,000 00
Aug.	1.	Gov. Mason's several drafts on Morris canal bank, 90 days,			250,000 00
Sept.	1.	do	do		100,000 00
Oct.	1.	do	do		100,000 00
Nov.	1.	do	do		100,000 00
Dec.	1.	do	do		100,000 00
June	16.	Gov. Mason paid cash in Morris canal bills,		10,397 70	
		Gov. Mason paid Prime, Ward & King's account,		8,963 30	
		Gov. Mason paid John Delafield's account,		639 00	
					20,000 00
Dec.	12.	Bills of the Morris canal bank to apply on January, 1839, payment,			100,000 00
		The following to apply on the February, 1839, payment, viz:			
		Bills of the Morris canal bank, $95,370 00			
		Carried forward,		$95,370 00	$1,120,000 00

	Brought forward,	$95,370 00	$1,120,000 00
	Gov. Mason's draft on Morris canal bank at 90 days,	4,580 00	
	Gov. Mason's check on Michigan state bank,	50 00	
			100,000 00
July 11.	Deposited in New York by Gov. Mason to credit Michigan state bank,		80,000 00
June 29.	Received of Michigan state bank, principal of penitentiary state stock,		20,000 00
	Total amount of principal received during year 1838,		$1,320,000 00
	Applied as follows: To the credit of internal improvement fund,	$1,180,000 00	
	Ypsilanti and Tecumseh railroad company,	60,000 00	
	Allegan & Marshall railroad company,	60,000 00	
	Penitentiary fund,	20,000 00	
			1,320,000 00

STATE TREASURER'S OFFICE,
Detroit. Dec, 31, 1838.

H. HOWARD, *Treasurer.*

(No. 13.)

Estimate of expenses for the support of government, year 1839.

Estimate of expenses for the support of government, year 1839, *as follows:*

Pay of state officers,	$16,375 00
Interest on $100,000 state stock, issued 1836,	6,000 00
Interest on $20,000 Palmyra and Jacksonburgh railroad stock,	1,400 00
Carried forward,	$23,7 5 00

Brought forward,	$23,775 00
Interest on $20,000 penitentiary state stock,	1,200 00
do 100,000 Detroit and Pontiac railroad stock,	6,000 00
do 100,000 University state stock,	6,000 00
Geological survey for year (appropriation,)	12,000 00
Expenses of legislature, 1839,	25,000 00
Expenses of printing session laws and journal, &c.	7,000 00
Repairs and insurance on capitol,	250 00
Contingent fund,	2,000 00
Balance due Michigan state bank,	11,553 00
Balance due J. S. & S. A. Bagg, for printing revised laws and other charges, say,	25,000 00
Miscellaneous and unforseen expenses,	5,000 00
	$124,778 00

STATE TREASURER'S OFFICE,
Detroit, Dec, 31, 1838.

H. HOWARD, *Treasurer.*

(No. 14.)

Estimate of receipts applicable to the support of government, year 1839.

Estimate of receipts applicable to the payment of the current expenses of government, year 1839, *as follows:*

Taxes due from counties for years 1836 and 1837,	$35,336 [illegible]
Assessment made by Auditor General upon the several counties, year 1838,	56,[illegible] 00
Merchants, pedlars and tavern licenses, say	8,500 00
Auction duties,	1,000 [illegible]
Taxes due from banks on capital stock paid in,	[illegible] 00
Interest to be paid by Detroit and Pontiac railroad company,	6,000 [illegible]
Carried forward,	$110,272 00

Brought forward,	$110,272 00
Interest to be paid by Palmyra and Jacksonburgh railroad company,	1,400 00
Interest to be paid by board regents university,	6,000 00
	$117,672 00

STATE TREASURER'S OFFICE,
Detroit, Dec. 31, 1838.

H. HOWARD, *Treasurer.*

FORMS FOR RETURNS.

Inspectors' return or statement of votes given at general election.

Statement of votes given in the township of , in the county of , and State of Michigan, at the general election holden on the days of November, 1839, for the following officers, viz: Governor and Lieutenant Governor of the state; *two* Senators in the state legislature, for the *third* senatorial district; and *three* Representatives in the state legislature, for the county of

The whole number of votes given for the said office of Governor was one hundred, and they were given for the following persons, viz: Fifty of them for A; forty of them for B; and ten of them for C.

The whole number of votes given for the said office of Lieutenant Governor was one hundred and one, and they were given for the following persons, viz: Fifty-one of them for D; and fifty of them for E.

The whole number of votes given for the said office of Senator was two hundred, and they were given for the following persons, viz: Fifty-five of them for F; fifty-five of them for G; fifty of them for H; and forty of them for I.

The whole number of votes given for the said office of Representative was six hundred,* and they were given for the following persons, viz: Fifty of them for K; fifty of them for L; fifty of them for M; fifty-five of them for N; forty-eight of them for O; and forty seven of them for P.

---

*The whole number of votes given to each separate candidate, and not the number of ballots or tickets deposited in the ballot box.

We hereby certify, that the above is a correct statement of the votes given in the township of , in the county of , and State of Michigan, at the general election holden on the days of November, 1839.

B. A.
D. C.
F. H.
J. K.
} Inspectors of election for said township.

We hereby appoint B. A. one of our number to attend the county canvass.

B. A.
D. C.
F. H.
J. K.
} Inspectors of election.

Inspectors' return or statement of votes given on the amendment to Constitution.

Statement of votes given in the township of , in the county of , and State of Michigan, at the general election holden on the days of November, 1839, for and against the amendment to the constitution of the state, proposed by the legislature of 1838, and agreed to and submitted to the people by the legislature of 1839, by a joint resolution, entitled "A joint resolution relative to an amendment to the constitution," approved April 18, 1839.

The whole number of votes given both for and against said amendment to the constitution of the state, was one hundred, and they were given as follows: Fifty of them for the amendment, and fifty of them against the amendment.

We hereby certify, that the above is a correct statement of the votes given for and against the amendment of the constitution of the state, in the township of , in the county of , and State of Michigan, at the general election holden on the days of November, 1839.

} Inspectors of election for said township.

County Canvassers' statement of votes given for Governor and Lieutenant Governor.

Statement of votes given in the county of , and State of Michigan, for the offices of Governor and Lieutenant Governor of the state, at the general election holden on the days of November, 1839.

TOWNSHIP.	GOVERNOR.				LIEUTENANT GOVERNOR.			
	A. B.	C. D.	E. F.	Whole number of votes.	G. H.	I. J.	K. L.	Whole number of votes.
Bloomfield,	5	7	4	16	2	1	10	13
Jackson,		4	7	11	1	10	3	14
Aurelius,	5	7	10	22	13		14	27
	10	18	21	49	16	11	27	54

The whole number of votes given for the said office of Governor was forty-nine, and they were given for the following persons, viz: Ten of them for A B; eighteen of them for D C; and twenty one of them for E F.

The whole number of votes given for the said office of Lieutenant Governor was fifty-four, and they were given for the following persons, viz: Sixteen of them for G H; eleven of them for I J; and twenty-seven of them for K L.

We hereby certify that the above is a correct statement of the votes given in the county of and State of Michigan, for the offices of Governor and Lieutenant Governor of the state, at the general election holden on the days of November, 1839.

A B, chairman of the county board of canvassers,

C D, secretary of the county board of canvassers.

N. B.—The other statements required to be made out by the board of county canvassers can readily be framed from the preceding one, by making the necessary alterations.

County Clerk's Certificate.

STATE OF MICHIGAN, } ss.
County. }

I hereby certify, that the foregoing is a true copy of the statement and certificate of votes given in this county, for the offices of Governor and Lieutenant Governor of the state, at the general election holden on the days of November, 1839, delivered to me by the county board of canvassers, and of record in my office.

In witness whereof I have hereunto set my hand and
L. S. seal of office, this day
of , 1839.

County Clerk.

Report of the Superintendents of the Poor, of the county of

		COUNTY POOR.	TOWN'P POOR.
1.	Number of persons who have received temporary aid or relief during the year.		
2.	Whole amount expended for that purpose.		
3.	Number of poor persons supported at any time during the year.		
4.	Number of adult persons supported.		
5.	Number of minors.		
6.	Average number of poor supported during the year.		
7.	Number of poor supported unable to perform labor.		
8.	Value of labor performed by poor.		
9.	Whole amount of costs of supporting the poor during the year, less the value of the labor performed by them, including interest on the value of the poor-house, and excluding all other items which do not compose any part of the actual expense of maintaining them.		
10.	Amount paid for transportation of poor.		
11.	Amount paid to superintendents of poor.		
12.	Amount paid to directors of poor.		
13.	Amount paid to justices of the peace.		
14.	Amount paid to keepers of poor.		
15.	Aggregate amount of costs of supporting the poor during the year, exclusive of the value of the labor performed by them.		
16.	Estimated amount saved in the expense of supporting the poor by their labor.		
17.	Number of poor probably made so by intemperance in themselves or others.		
18.	Poor-houses.		
19.	Number of acres of land attached to poor-house.		
20.	Estimated value of poor-house establishment.		

December 183 .

A .B.
C. D.
E. F. } Superintendents of the poor of the county of

N. B.—If the distinction between township and county poor has been abolished, that fact should be stated in the column marked "Township Poor."

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